

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.419 of 2013

In

Civil Writ Jurisdiction Case No. 14671 of 2012

=====

Sachidanand Yadav Kumar Sachidanand & Ors.

.... Petitioner/s

Versus

Rit Narayan Yadav & Ors.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Uday Chandra Prasad, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 16-12-2015 Heard Mr. Uday Chandra Prasad learned counsel for the
petitioner.

This application has been filed for restoration of C.W.J. C. No. 14671 of 2012 which stood dismissed as against the respondents for non compliance of the order dated 5.12.2012 within the peremptory period. This Court vide order passed on 5.12.2012 in C.W.J.C. No. 14671 of 2012 had directed the petitioner to file a substitution petition in relation to the respondent No. 3 as also to file requisites under both process in respect of the respondent nos. 1 and 2 together with correct present address. Office note reflects that the order was not complied within the peremptory period rather it is after expiry thereof that the requisites were filed on 3.1.2013 and the substitution petition was filed on 11.1.2013.

Mr. Uday Chandra Prasad learned counsel for the petitioner submits that there was no deliberate laches on the part of the petitioner and although some time has been consumed by the petitioner to ensure compliance and although the order has been complied but with some delay which may be condoned and the petition be restored .

Having heard learned counsel for the parties, considering the submissions advanced by Mr. Prasad and considering the fact that the order dated 5.12.2012 has been complied by the petitioner albeit with some delay, the peremptory period granted under order dated 5.12.2012 is extended until 11.1.2013 and since before the said date, the requisites in respect of respondent Nos. 1 and 2 as well as the substitution in I.A. No. 275 of 2013 has already been filed hence the application stands restored against the respondents.

Let notice be issued accordingly by the office.

The writ petition as against the respondents stands restored to its original file. This application is allowed.

(Jyoti Saran, J)

Bibhash/-

U			
---	--	--	--