

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4511 of 2013

In

C. REV. 285 of 2009

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Prakash Narayan Thakur

.... Petitioner/s

Versus

State of Bihar & Anr

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

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18-05-2015

As directed by us, show causes have been filed by Sri

Gorakh Nath Rai, Advocate's Clerk, Sri Rajeev Kumar Singh, Advocate and Sri Onkar Kumar, Advocate. The stand taken therein is identical that due to the inadvertent error of the Advocate's Clerk, the earlier restoration application, i.e., the present M.J.C. No.4511 of 2013 filed for restoration of Civil Review No. 285 of 2009 was not properly followed and due to inadvertent error that the earlier restoration application has been misplaced and the Advocate's Clerk was not in a position to recall the same, subsequently M.J.C. No.5069/2013 for restoration of the same civil review without referring to the filing of the present restoration application was filed.

It is further submitted that, however, subsequently when the present M.J.C. was taken up, the list was not properly marked and for the said reason, the concerned Advocates could not appear.

The Advocate's Clerk and learned counsels express their apology from this Court.

Considering the facts and circumstances mentioned in the show causes, we are of the view that the present matter appears to be an inadvertent error due to the negligence on the part of the Advocate's Clerk and the filing of the second restoration application with wrong statement that no other restoration application has been filed, whereas the restoration application has already been filed, was not deliberate in order to mislead this Court.

The show causes filed are, accordingly, accepted.

In the aforesaid facts and circumstances, Mr. Rajeev Kumar Singh and Mr. Onkar Kumar, learned counsels for the petitioner seek permission to withdraw the present restoration application.

The present restoration application is, accordingly, dismissed as withdrawn.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Anjana Mishra, J)

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