

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1050 of 2015

In

Civil Writ Jurisdiction Case No. 16639 of 2007

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Basanti Devi, wife of Sri Gauri Shankar Paswan, c/o Shri Shashi Kumar,
Resident of Mohalla- Maharaja Hata Gali, No. 2, Police Station - Ara
Nawada, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Road Construction Department, Viswasariya Bhawan, Bihar, Patna.
3. Engineer-in-chief-cum-Additional Commissioner-cum- Special Secretary, Road Construction Department, Bihar, Patna.
4. Deputy Secretary, Road Construction Department, Bihar, Patna.
5. Section Officer, Section-4, Road Construction Department, Bihar, Patna.
6. Superintending Engineer, Road Construction Department, Bhojpur Circle, Ara.
7. Chief Engineer, South Bihar (Mechanical Section) P.W.D. Road Construction Department, Bihar, Patna.
8. Sri Upendra Kumar Yadav son of Sri Raghubir Prasad Yadav, resident of village- Budhana, P.S.Madhepura, District- Madhepura, Working at in the office of Superintending Engineer, Bhojpur Road Circle, Road Construction Department, P.W.D. Bhojpur Ara.
9. Sri Juber Ahmad Khan, Central Road Circle Patna, son of Sri Latifur Rahman Khan, r/o village-Jail, P.S. and P.O. Jail, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 26-08-2015

Heard.

The present MJC application has been filed for restoration of CWJC No.16639 of 2007, which stood dismissed for want of prosecution by the order dated 19.06.2014.

After having heard the parties, this Court is of the opinion that, instead of restoring the aforesaid CWJC No.16639 of 2007, interest of justice shall be sub-served, if the petitioner is granted liberty to file a fresh writ petition in the same subject

matter, after bringing on record all the subsequent developments, which might have taken place during the interregnum period. It is ordered accordingly.

If such a writ petition is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the same shall be considered and decided on its own merit, without being prejudiced/influenced by the order dated 19.06.2014 passed in the aforesaid CWJC No.16639 of 2007 and the same shall not be dismissed on the ground of principles of res judicata.

The present MJC application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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