

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1312 of 2015

In

Civil Writ Jurisdiction Case No. 14470 of 2005

=====

Jiwanand Mishra, son of late Diwakar Mishra, resident of Village- Balua,
P.S.- Balua, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Koshi Division, Saharsa.
3. The Additional Collector, Supaul.
4. The Sub-Divisional Officer, Birpur, District- Supaul.
5. The Circle Officer, Basantpur, District- Supaul.
6. Puhup Lal Ram, son of late Munai Ram.
7. Aklu Ram, son of late Mittan Ram.
8. Kuldeo Ram, son of late Kusumlal Ram.
9. Smt. Sita Devi, wife of Late Nunu Lal Paswan.
10. Jageshwar Paswan, son of Late Bhupi Paswan.
11. Chandar Paswan, son of late Bhupi Paswan.
12. Shiv Narayan Paswan, son of late Batuli Paswan.

All (6 to 12) are resident of Village- Bishanpur Chaudhary, P.S.-
Balua Bazar, District- Supaul.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : A.C to AAG-1

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 09-09-2015

The writ petition stood dismissed as against the respondent nos.6 to 9 and 11 on grounds of non-compliance of the peremptory order dated 28.11.2013 whereunder the petitioner was required to file fresh substitution petition within two weeks.

The office note dated 16.12.2013 reflects that an interlocutory application bearing I.A. No.9056 of 2013 has been filed by the petitioner albeit after a delay of one day on

13.12.2013 when the peremptory period stood expired on 12.12.2013 and as a consequence the writ petition stood rejected as against the respondent nos. 6 to 9 and 11.

This application has been filed for restoration of the writ petition as against the respondent nos.6 to 9 and 11 by condoning the delay of one day in filing the substitution petition.

Having heard learned counsel for the parties and for the reasons so explained in this application the peremptory period granted under the order dated 28.11.2013 is extended until 13.12.2013 and since the interlocutory application admittedly was filed on that date hence the writ petition bearing CWJC No.14470 of 2005 as against the respondent nos.6 to 9 and 11 stands restored to its original file for consideration of the substitution petition.

This application is allowed.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--