

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4716 of 2014

In

Civil Writ Jurisdiction Case No. 16668 of 2007

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Sunita Verma wife of Sanjay Seth, resident of village Maihari (wrongly stated in place of Manihari), Police Station Bhabhua, District Kamur (Bhabhua)

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Welfare Department, New Secretariat, Patna
2. Collector-cum-District Magistrate, Kaimur (Bhabhua)
3. Additional Collector, Kaimur (Bhabhua)
4. Block Development Officer, Bhabhua
5. Welfare Officer, Bhabhua
6. Circle Inspector, Bhabhua
7. Gram Panchayat Inspector, Bhabhua
8. Child Development Project Officer, Bhabhua
9. Mukia Gram Panchayat Raj, Manihari Block, Bhabhua
10. Panchayat Sevak, Gram Panchayat Raj, Manihari, Bhabhua

Opposite Parties/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary,Advocate
Mr. Rajesh Kumar Pathak

For the Opp.Parties/s : Mr. K.C.Jha, AC to AAG 14

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-02-2015

Heard the parties.

2. The petitioner has filed the present application seeking restoration of CWJC No. 16668 of 2007, which stood dismissed for want of prosecution by order dated 19.06.2014 passed by this Bench.

3. The aforesaid CWJC No. 16668 of 2007 was filed on 17.12.2007 and since then more than seven years have already elapsed. All the subsequent developments which have/might have taken place during the interregnum period, have not been brought on the record.

4. In above view of the matter, this Court is of the

opinion that in stead of restoring aforesaid CWJC No. 16668 of 2007 to its original file, the interest of justice shall be subserved 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.

5. If such a writ petition is filed on behalf of the petitioner within a period of two months from today, then the same shall be considered and decided on its own merit in accordance with law without being prejudiced by dismissal of CWJC No. 16668 of 2007, and that writ petition shall not be dismissed on the ground of principles of res judicata.

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

(Birendra Prasad Verma, J)

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