

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.581 of 2015

In

Civil Writ Jurisdiction Case No. 18622 of 2010

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1. Smt. Janki Devi wife of Shri Bishnu Deo Sharma
 2. Sunil Kumar Sharma
 3. Rajpati Sharma Both son of Bishnu Deo Sharma , All resident of Village Jhandapur P.S. - Bihpur, Distt. Bhagalpur

.... Petitioner/s

Versus

1. Prakash Singh son of Late Swaroop Mandal,
2. Sanjay Kumar Singh son of Late Swaroop Mandal
3. Manoj Kumar son of Late Swaroop Mandal
4. Smt. Sumitra Devi W/o Late Swaroop Mandal
5. Amala Devi D/o Late Swaroop Mandal
6. Anita Devi D/o Late Swaroop Mandal
7. Sunita Devi D/o Late Swaroop Mandal
8. Punam Devi D/o Late Swaroop Mandal
9. Raj Kumar Singh @ Nishad
10. Raja Ram Singh @ Nishad Both Son of Late Bechan Prasad Singh, All resident of Village- Mirganj, P.S. - Gogri, District- Khagaria.

.... Opp.Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opp.Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 08-04-2015 Heard the parties.

The present application has been filed on behalf of the petitioners seeking restoration of C.W.J.C. No. 18622 of 2010, which stood dismissed for want of prosecution by an order dated 06.02.2015.

The aforesaid writ petition was filed way back in the year 2010, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on the record by the petitioners. In that view of the matter, this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 18622 of 2010 to its original file, the interest of

justice shall be sub-served if the petitioners are granted liberty to file a fresh writ petition, if cause of action still survives, 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 fresh writ petition is filed on behalf of the petitioners in the same subject matter within a period of six weeks from today, then the same shall be considered and decided on its own merit without being prejudiced/ influenced by the order dated 06.02.2015 passed in C.W.J.C. No. 18622 of 2010 and that shall not be dismissed on the ground of the principles of res judicata.

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

(Birendra Prasad Verma, J)

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