

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1236 of 2015

In
Civil Writ Jurisdiction Case No. 521 of 2008

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Rajnish Kumar, S/o Late Kameshwar Prasad Jaiswal, Proprietor of Prince Hotel, resident of Mohalla- Guljarbagh, Madhepura, Ward No. 20, P.S. Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The Bihar State Electricity Board, through the Secretary, Vidyut Bhawan, Bailey Road, Patna.
2. The General Manager cum Chief Engineer, Kosi Electric Supply Area, Saharsa.
3. The Electrical superintending Engineer, Electric Supply Circle, Saharsa.
4. The Electrical Executive Engineer, Electric Supply Division, Madhepura.
5. The Assistant Electrical Engineer, Electric Supply Sub- Division, Madhepura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra
For the Opposite Party/s : Mr. Vijay Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-09-2015

Heard.

The present MJC application has been filed on behalf of the petitioner for restoration of CWJC No.521 of 2008, which stood dismissed for want of prosecution by an order dated 02.03.2015.

In view of the nature of the grievances raised on behalf of the petitioner in the main writ petition and in view of passage of time since the date of filing the original writ petition on 04.01.2008, this Court is of the opinion that, instead of restoring the aforesaid CWJC No.521 of 2008 to its original file, 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 02.03.2015 passed in the aforesaid CWJC No.521 of 2008 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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