

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1310 of 2015

In

Civil Writ Jurisdiction Case No. 19889 of 2010

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Keshari Nandan Tiwary, son of Shyam Narayan Tiwari, resident of mohalla-Gyan Kala Kendra, Amgola, Muzaffarpur, presently residing at mohalla-Behind Sursand Kothi, Amgola Road, Muzaffarpur.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur.
2. The Divisional Railway Manager/Engineering, E.Central Railway, Samastipur.
3. The Sr.Divisional Engineer, East Central Railway, Samastipur.
4. The Chief Inspector of Work, E.C. Railway, Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Babu Rai

For the Opposite Party/s : Mr. Ashok Kumar Keshari

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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.19889 of 2010, which stood dismissed for want of prosecution by the order dated 17.04.2015.

After having heard the parties, this Court is of the opinion that, instead of restoring the aforesaid CWJC No.19889 of 2010, 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 17.04.2015 passed in the aforesaid CWJC No.19889 of 2010 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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