

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2158 of 2015

In

Civil Writ Jurisdiction Case No. 7464 of 2011

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Md. Firdous, son of Md.Sahadat Hussain Ansari, resident of Momin Tola,
L.N.Singh Road, Police Station-Nath Nagar, District-Bhagalpur.

.... Petitioner/s

Versus

1. The Assistant General Manager, Central Bank of India, Patna
2. The Assistant General Manager, (N.P.A. and Recovery), Central Bank of India, Patna.
3. The Branch Manager, Central Bank of India, Nath Nagar, Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 23-09-2015

Heard learned counsel for the petitioner. None appears on behalf of the opposite parties, though the name of the learned counsel appearing on behalf of the opposite parties is printed in the daily cause list.

The present MJC application has been filed on behalf of the petitioner for restoration of CWJC No.7464 of 2011, which stood dismissed for want of prosecution by the order dated 03.07.2015.

In view of the nature of the grievances raised on behalf of the petitioner in the main writ petition and the issues of law and facts involved therein, this Court is of the opinion that, instead of restoring the main writ petition 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, or the petitioner may avail the remedies available to him under the SARFAESI

Act. It is ordered accordingly.

If such a fresh 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, or the petitioner approaches the prescribed authority under the SARFAESI Act against the order/notice impugned in the main writ petition, then the same shall be considered and decided on its own merit, without being prejudiced/influenced by the order dated 03.07.2015 passed in the aforesaid CWJC No.7464 2011 and the same shall not be dismissed on the ground of dismissal of aforesaid writ petition.

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

Arvind/-

(Birendra Prasad Verma, J)

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