

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2022 of 2015

In

Civil Writ Jurisdiction Case No. 19047 of 2010

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Shivjee Singh S/o Late Gopal Singh, Resident of Village- Mathurapur,
District- Muzaffarpur, Partner of M/s Shera Wali Construction, Mathurapur,
P.O. Mohjamma, P.S.- Paroo, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Building Construction Department, Technical Secretariat,
Bihar, Patna.
3. The Engineer-in-Chief, Building Construction Department, Technical
Secretariat, Bihar, Patna.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opp. Party/s : Mr. Sudhir Kumar, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-11-2015 Heard the parties.

The present M.J.C. application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 19047 of 2010, which stood dismissed for want of prosecution by an order dated 17.04.2015.

Taking into consideration the nature of claims raised on behalf of the petitioner in the aforesaid C.W.J.C. No. 19047 of 2010 and the issues involved therein, this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 19047 of 2010 to its original file, the 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 fresh writ petition is filed on behalf of the

petitioner with a certified copy of the present order within a period of two months from today, 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 C.W.J.C. No. 19047 of 2010 and that shall not be dismissed on the ground of the principles of res judicata.

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

(Birendra Prasad Verma, J)

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