

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.870 of 2016

In
Civil Writ Jurisdiction Case No. 4652 of 2014

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Yusuf Haidar Khan

.... Petitioner/s

Versus

Equabl Haidar Khan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yusuf Haidar Khan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 04-03-2016 Heard the petitioner, Mr. Yusuf Haidar Khan, in person.

The petitioner, in person, submitted that he served the copy of MJC application on the learned counsel, Mr. Behzad Akhtar, who was appearing in C.W.J.C. No.4652 of 2014 and was present on 20.01.2016 when the writ application was dismissed for default, but he refused to take the notice.

In view of the submission made by the petitioner who is appearing in person and in view of the explanation given in this MJC application, I am satisfied that the petitioner was prevented by sufficient cause from not appearing before this Court when C.W.J.C. No.4652 of 2014 was called on for hearing in admission matter on 20.01.2016.

From perusal of the ordersheet of the writ application, it

appears that on the date of dismissal for default, Mr. Behzad Akhtar, was present on behalf of some respondent. This restoration application has been filed within time but when copies were served on him, he refused to receive the same as submitted by the petitioner in person. Therefore, it is not necessary to serve notice in this MJC application which has been filed for restoration.

Accordingly, this MJC application is allowed and C.W.J.C. No.4652 of 2014 is restored to its original file.

(Mungeshwar Sahoo, J)

Sanjeev/-

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