

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2716 of 2015

In

Civil Writ Jurisdiction Case No. 14840 of 2007

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1. Girija Nandan Singh Son of late Deo Lal Singh resident of Village-
Mahua Po Kaithee P.s Obra District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commandant Bihar Military Police 13 Battalian Darbhanga
3. The Accountant General Bihar. Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Respondent/s : Mr. Sc2 Nawal Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 13-04-2016 Heard the parties.

This restoration petition has been filed on behalf of the petitioner praying therein to restore C.W.J.C. No. 14840 of 2007 which had been filed for re-fixation of pension of the petitioner but unfortunately, the same was dismissed on 21.04.2014 for non prosecution.

Submission on behalf of the petitioner is that the then conducting counsel was under misconception that aforesaid C.W.J.C. No. 14840 of 2007 had not been listed but when in the month of March, 2015, petitioner came to Patna and contacted his counsel, then it came to light that C.W.J.C. No. 14840 of 2007 had already been dismissed on 21.04.2014.

It is submitted that petitioner is an old man and he was retired in the year 1990. It is further submitted that petitioner is not able even to move without the help of others and that is the reason when again he came to Patna in the month of October, 2015, he filed the present restoration petition. It is further submitted that even if any laches is found on the part of the petitioner, then also, in the interest of justice, C.W.J.C. No. 14840 of 2007 should be heard on merit because the matter relates to retiral benefit.

In view of the aforesaid submissions, this restoration petition is allowed and it is ordered that C.W.J.C. No. 14840 of 2007 be restored on its original number.

Accordingly, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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