

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3479 of 2015

In
Civil Writ Jurisdiction Case No. 1779 of 2013

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1. Rajendra Rai
2. Rajdeo Rai
Both sons of Birjan Rai
3. Mangal Rai, son of Late Ramlal Rai
4. Bhola Rai
5. Sukul Rai
6. Ramadhar Rai
7. Bhagwan Rai
All sons of Mangal Rai,
All resident of village- Gopalpur, P.S. Anchal Saraiya, District-
Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Joint Director, Consolidation, Muzaffarpur
3. Deputy Director of Consolidation, Muzaffarpur
4. Chakbandi Padadhikari, Saraiya
5. Kamal Rai, son of Late Bhagwan Rai, resident of Village- Gopalpur,
P.O., P.S. and Anchal- Saraiya, District- Muzaffarpur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girjanand Prasad, Adv.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-07-2016

Heard.

The present MJC application has been filed for restoration of CWJC No.1779 of 2013, which stood dismissed for want of prosecution by an order dated 27.10.2015.

The aforesaid CWJC No.1779 of 2013 was filed on 24.01.2013 and since then more than two and half years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on record.

In above view of the matter, this Court is of the opinion that, instead of restoring the aforesaid CWJC No.1779 of 2013 to its original file, the interest of justice shall be sub-served, if the petitioners are 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 petitioners 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 merits, without being prejudiced/influenced by dismissal of CWJC No.1779 of 2013 for want of prosecution by an order dated 27.10.2015.

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

(Birendra Prasad Verma, J)

Arvind/-

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