

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4353 of 2014

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Krishnadeo Prasad, Son of Late Budhu Yadav Resident Of Village - Salaiya Kala
Tola, Adarkichak, P.S. Fatehpur, Distt. - Gaya

.... Petitioner

Versus

1. The State Of Bihar through the Collector, Gaya
2. The Commissioner, Magadh Division, Gaya
3. The Collector, Gaya
4. The Sub - Divisional Officer, Sadar Gaya
5. Anchal Adhikari, Fatehpur, District - Gaya
6. The Collector, Kishanganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Respondent/s : Mr. Yogendra Prasad Singh, AAG-7

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-12-2016

Heard parties.

The petitioner is aggrieved by the order dated 7.11.2013 passed by the Commissioner, Magadh Division, Gaya by which his application for restoration of the Supply Revision No.129/2013 has been dismissed.

While dismissing the restoration application, it has been stated that the petitioner's counsel repeatedly did not appear on 20.06.2013 and 3.10.2013. However, from perusal of record, it appears that on 20.06.2013, though the counsel for the petitioner was absent but lower court records were called for. On 3.10.2013, the petitioner's counsel was again absent. Reason has been given that the petitioner's counsel was struck up in traffic jam which has been



disbelieved.

In my view, technicalities should not come in the way of doing full and complete justice and the revisional authority should have restored the revision on the ground which was raised by the petitioner.

Accordingly, this application stands allowed. The order dated 7.11.2013 is set aside. The Supply Revision No.129/2013 is restored to its original file and number.

Let the petitioner appear within eight weeks before the revisional authority along with a copy of this order. On that day, the revisional authority will fix a date of hearing. On the fixed date, the petitioner would be required to appear and matter should be heard on merit.

However, it is made clear that if the petitioner again fails to appear on the date fixed then the revisional authority would be required to pass an order on merit *ex parte*, i.e., even in absence of the petitioner.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.12.2016
Transmission Date	N.A.

