

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.167 of 2016

In

Civil Writ Jurisdiction Case No. 21508 of 2013

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Ashish Kumar, son of Late Radhey Sao (Karta of the Family), resident of Naya Bazar Lakhisarai ward No. 25, front of Old Hospital, P.S. & District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commisisoner, Munger Division, Munger.
3. The Collector, Lakhisarai.
4. The Additional Collector, Lakhisarai.
5. The D.C.L.R. Lakhisarai.
6. The Circle Officer, Lakhisarai.
7. Pappu Sao.
8. Ajay Kumar Sao.
9. Gautam Kumar Sao.
10. Binod Kumar Sao. O.P. No. 7 to 10 sons of Late Madan Mohan Prasad Sah.
11. Mukesh Kumar.
12. Kunal Kumar. Both sons of late Dayanand Sah, All resident of Mohalla Naya Bazar, ward No. 25 front of Old Hospital Near Hazi Market, P.O + P.S. + District Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s

:Mr. Arun Kumar, Adv.

Mr.Ram Vinay Prasad Singh @ Sanjay, Adv.

For the Opposite Party nos.1to6:Mr. Kamlesh Kumar Sharma, AC to SC-22

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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.21508 of 2013, which stood dismissed for want of prosecution by an order dated 17.12.2015.

The aforesaid CWJC No. 21508 of 2013 was filed on 25.10.2013 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. 21508 of 2013 to its original file, the interest of justice shall be subserved, 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 within a period of two months 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. 21508 of 2013 for want of prosecution by an order dated 17.12.2015.

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

(Birendra Prasad Verma, J)

Arvind/-

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