

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.547 of 2016

In
Civil Writ Jurisdiction Case No. 2965 of 2002

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Bikramaditya Chaubey, S/o Late Bhuwaneshwar Chaubey, resident of
Village- Balaur, P.S.- Buxar Industrial, Distt- Buxar (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commandant General, Bihar Home Guards, Headquarter at Chhajjubag, Bihar, Patna.
3. The Divisional Commandant, Patna Division, Bihar Home Guards, Patna.
4. The Commandant, Bihar Home Guards, Headquarter at Chhajjubag, Patna.
5. The District Commandant, Bihar Home Guards, Headquarters at Ara, Bhojpur.
6. The Accountant General, Bihar, Patna Bhawan, Bailey Road, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nishant Kumar Jha, 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.2965 of 2002, which stood dismissed for want of prosecution by an order dated 09.07.2014.

The aforesaid CWJC No. 2965 of 2002 was filed on 26.02.2002 and since then more than 14 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. 2965 of 2002 to its original file, the interest of justice shall be sub-served, 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 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. 2965 of 2002 for want of prosecution by an order dated 09.07.2014.

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

(Birendra Prasad Verma, J)

Arvind/-

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