

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1967 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 13562 of 2016**

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1. Gautam Kumar S/o Sri Pramod Choudhary, Resident of at- Khagha, P.S.-
Mirganj, District- Purnea.

.... Appellant

Versus

1. The Bihar State Food & Civil Supplies Corporation Ltd., Khadya Bhawan, Road No.-2, Daroga Rai Path, R.Block, Patna-1, through its Managing Director.
2. The Managing Director, The Bihar State Food & Civil Supplies Corporation Ltd., Khadya Bhawan, Road No.-2, Daroga Rai Path, R.Block, Patna-1.
3. The Deputy Chief Transport, Corporation Headquarters, The Bihar State Food & Civil Supplies Corporation Ltd., Khadya Bhawan, Road No.-2, Daroga Rai Path, R.Block, Patna-1.
4. The District Manager, State Food & Civil Supplies Corporation Ltd., Purnea.
5. Sri Suman Kumar Choudhary S/o Sri Tej Narain Choudhary R/o Vill- Banmanki, Ward No. 08, Distt Purnea.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Ambuj Nayan Chaubey

For the Respondent/s : Mr. Shailendra Kumar Singh

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 23-11-2016

Heard learned counsel for the parties.

The Letters Patent Appeal has been preferred against the order dated 27th of September, 2016 passed by learned Single Bench whereby, the writ application was dismissed for the reasons that the Requisite for serving notice upon respondent No.5 both under ordinary process and registered cover with A/D was not filed within time granted.

Perusal of the record shows that on 30th August, 2016

the appellant was given one week’s time to furnish Requisites both under ordinary process and registered cover with A/D failing which it was ordered that the application shall stand rejected without further reference to a Bench. Such application in terms of the order as per office report stood rejected on 26th September, 2016. The office put up the matter on 27th September, 2016 under the heading for orders on office note when the impugned order was passed.

We find that it will be in the interest of justice if the appeal is allowed to give an opportunity to the appellant to contest the case on merit. The delay in filing the Requisites requires to be condoned.

Considering the above facts, we set aside the order dated 27th of September, 2016 passed in C.W.J.C.No. 13562 of 2016 and restore the writ application to its original number. The appellant shall file Requisites to serve notice upon respondent No.5 under both processes within one week from today.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

A.I./-

AFR/NAFR	NAFR
CAV DATE	NA
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