

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3198 of 2014

In

Civil Writ Jurisdiction Case No. 6192 of 2012

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1. Ram Padarath Choudhary S/o Ganaur Choudhary, resident of Village- Harpur Purender @ Keota, Pargana- Saraisa, P.S.- Dalsingsarai, P.O.- Keota, Distt.- Samastipur

.... Petitioner/s

Versus

1. Khayali Rai
2. Ram Sajjan Rai Sons of Late Jagdeo Rai
3. Narayan Rai, son of Ram Uchit Rai, All residents of Mauza- Harpur Purender @ Keota, Pargana- Saraisa, P.S.- Dalsingsarai, Distt.- Samastipur
4. Raj Kishor Choudhary S/o Late Deo Narayan Choudhary
5. Umesh Prasad Choudhary, S/o Late Damodar Prasad Choudhary
6. Chandra Kant Choudhary, S/o Late Surya Narayan Choudhary All residents of Village- Mauza Harpur Purender @ Keota, Pargana- Saraisa, P.S.- Dalsingsarai, Distt.- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 27-01-2016 Heard learned counsel for the parties.

The writ petition stood dismissed by virtue of non compliance of the order dated 1.11.2012 for non furnishing of the requisites and a lame excuse is being taken that the earlier counsel did not inform the petitioner regarding the import of the order even while the proceedings in the court below remain stayed. The petitioner having obtained interim stay of the proceedings in T.S.No.74 of 2005 allowed the writ petition to be dismissed and left it as such for two years before filing this application for

restoration thereof and as a result the suit did not progress in the court below for all this period.

In the circumstances discussed I am not persuaded to order for restoration of the writ petition for the conduct of the petitioner does not warrant for grant of indulgence.

This application stands dismissed and since by virtue of the dismissal of the writ petition, the interim order passed on 1.11.2012 stands merged with the dismissal hence the trial Court of Sub Judge-II, Dalsingsarai, District-Samastipur or the appropriate Court where the Title Suit No. 74 of 2005 is pending, is directed to proceed for disposal of the suit.

Let this order be communicated to the court concerned forthwith.

(Jyoti Saran, J)

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