

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3237 of 2014

Smt Uma Devi @ Uma Devi W/O Dharam Nath Singh Resident Of Village - Farsahani, P.S. Lawkaria, District - West Champaran (Bettiah)

.... Petitioner/s

Versus

- 1. The State Of Bihar, Through Collector, West Champaran at Bettiah
- 2. The Collector, West Champaran, Bettiah
- 3. The District Sub - Registrar, Bettiah, Distt. - West Champaran
- 4. Jai Krishna Prasad S/O Late Harpat Sah R/O Village and Post Farsahani, P.S. Laukaria, Distt. - West Champaran

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the State Mr. Naman Nayak, AC to AAG-10

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 06-09-2016

Heard the counsel for the petitioner and the State.

Aggrieved by order passed in Case No. 03/2001 by District Sub Registrar, the petitioner, who is vendee of the document, approached the District Collector in Case No. R.M. 71 of 2001-2002. As the petitioner defaulted in appearance, the same was dismissed for non prosecution on 16.07.2013. The restoration application filed by the petitioner was also rejected for non prosecution on 20.09.2013. Aggrieved by these two orders, the present writ application is filed.

The counsel for the petitioner, with reference to the statements made in the writ petition, submits that due to unavoidable reasons and the pendency of the proceeding for a long time, on two dates, the petitioner could not appear in restoration proceeding. The petitioner shall suffer irreparably/irretrievably if the case is not directed to be considered on merit. For

causing inconvenience to the Court, the petitioner may be inflicted with appropriate condition(s) for restoration of the petition in question.

In the counter affidavit, the respondents have contested the merit of the claim of the petitioner in Case No. 03 of 2001. The Court, for the present, is not concerned therewith. Insofar as the restoration proceeding is concerned, it has been submitted that at least on two occasions the petitioner defaulted in appearance.

Considering the facts of the case and submissions of the parties, in my view, the ends of justice shall be met if the restoration case filed by the petitioner for restoration of R. M. Case No. 71 of 2001-2002 is restored on the file of the respondent-Collector, West Champaran, subject to deposit of a sum of Rs. 1500/- with the Nazareth of the Collector and making a fresh application in this regard before the Collector in the said proceeding within 04 weeks from today.

I order accordingly.

(Kishore Kumar Mandal, J)

HR/-

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