

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.729 of 2015

In
Civil Writ Jurisdiction Case No. 5151 of 2010

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Sheo Shankar Singh S/o - Sri Jagdamb Singh R/o Village - Birai, P.S. -
Daudnagar, District - Aurangabad.

.... Petitioner/s

Versus

1. The Union of India through General Manager, Bharat Sanchar Nigam Ltd., Gaya.
2. The S.D.O., Bharat Sanchar Nigam Ltd., Jehanabad.
3. S.D.E. Bharat Sanchar Nigam Ltd., Arwal.
4. S.D.E. Bharat Sanchar Nigam Ltd., Daudnagar.

.... Opposite party/s

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Appearance :

For the Petitioner/s : Mr. Amresh, Advocate

For the Opp.Party/s : Mr. Sachidanand Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 10-02-2016

Heard the parties.

The present MJC application has been filed on behalf of the petitioner for restoration of CWJC No. 5151 of 2010, which stood dismissed for want of prosecution by order dated 16.02.2015.

The aforesaid writ petition was filed on 25.03.2010 and since then almost six years have 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. 5151 of 2010 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 writ petition is filed on behalf of the petitioner within a period of one month from today, then the same shall be considered and decided on its own merits without being prejudiced by dismissal of CWJC No. 5151 of 2010 for want of prosecution by order dated 16.02.2015.

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

(Birendra Prasad Verma, J)

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