

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2626 of 2015

In

Civil Writ Jurisdiction Case No. 5046 of 2011

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M/s Kamal Construction, At & P.O. Mehdauli, Begusarai District - Begusarai, Bihar through its Partner Yogendra Singh, Son of Late Triveni Singh, R/o Village and P.S. Bhagwanpur, District - Begusarai.

.... Petitioner/s

Versus

1. The Union of India, through the General Manager, East Central Railway, Sonpur District - Vaishali.
2. The Senior Divisional Engineer (Co-ord), East Central Railway, Sonpur District - Vaishali, Bihar.
3. The Divisional Railway Manager (Engi.), East Central Railway, Sonpur District - Vaishali, Bihar.
4. The Divisional Engineer (Special), East Central Railway, Sonpur, District - Vaishali, Bihar.
5. The Additional Divisional Engineer, East Central Railway, Sonpur, District - Vaishali, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. P.K.Verma, Sr.Adv.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 13-04-2016 Heard learned senior counsel appearing on behalf of the petitioner. However, none appears on behalf of the opposite parties, though the name of the learned counsel is printed in the daily cause list.

The present application has been filed for restoration of CWJC No.5046 of 2011, which stood dismissed for want of prosecution by the order dated 22.06.2015.

The aforesaid writ petition was filed on 16.03.2011 and since then more than five 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

considered opinion that, instead of restoring the aforesaid CWJC No.5046 of 2011 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.5046 of 2011 and that writ petition shall not be dismissed on the principles of res judicata.

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

(Birendra Prasad Verma, J)

Arvind/-

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