

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.997 of 2015

In

Civil Writ Jurisdiction Case No. 14558 of 2010

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M/s Gun Manufacturers (Licensees) Association Functional Estate,
Karanchouda, Munger, Bihar- 811201, through its Secretary, Mr.
Manmohan Prasad Sharma

.... Petitioner/s

Versus

1. The Union of India through the Director General of Quality Assurance,
Ministry of Defence, New Delhi, India.
2. The Senior Quality Assurance Officer, Senior Quality Assurance
Establishment (Small Arms), P.O. - Ichapore, Nawabgunj, 24 Pargana,
West Bengal.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjesh Prasad

For the Opp. Party No.1 : Mr. Rabindra Kumar Sharma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 10-02-2016

Heard the parties.

The present application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 14558 of 2010, which stood dismissed for want of prosecution by an order dated 01.04.2015.

The aforesaid C.W.J.C. No. 14558 of 2010 was filed on 31.08.2010 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 the record.

In above view of the matter, this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 14558 of 2010 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 in the same subject matter within a period of one month from today, in the manner indicated above, then the same shall be heard and decided on its own merit without being prejudiced by the dismissal of aforesaid C.W.J.C. No. 14558 of 2010 by an order dated 01.04.2015 for want of prosecution.

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

(Birendra Prasad Verma, J)

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