

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2126 of 2015

In
Civil Writ Jurisdiction Case No. 9955 of 1997

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1. Ram Chandra Tiwari
 2. Shreekant Tiwari Both sons of Late Keshan Tiwari
 3. Faudar Ojha
 4. Brahmadeo Ojha Both no. 3 & 4 are sons of Late Rajpati Ojha All residents of Village- Chanda Tola, Jorawarpur, P.S.- Ara Muffasil, P.O. Gajrajganj, District- Bhojpur
 5. Ramakant Singh, son of Late Rajballabh Singh
 6. Devendra Kumar Singh, son of Late Hira Singh Both no. 5 & 6 are residents of Village- Dhamar, P.S.- Ara Muffasil, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna
3. Chandra Shekhar Pandey
4. Kaladhar Pandey
5. Shashishekhar Pandey All sons of Late Daib Dayal Pandey, resident of village- Nokhpur, P.S. Nawanagar, P.O.- Athar District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Mishra

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 20-01-2016 Heard counsel for the petitioners in support of the application which seeks restoration of CWJC No. 9955 of 1997 to its original file and number by modifying the order dated 23.04.2015 passed therein.

By order dated 23.04.2015, on the request of the petitioners, ten days time was allowed to take steps for substitution of petitioner no.1.

It is stated that the time granted by the Court expired on 02.05.2015. The substitution petition was filed vide I.A. No. 3887 of 2015 on 06.05.2015. Learned counsel has referred to the statement in the restoration application to explain the circumstances under which the interlocutory application could be filed 04 days after expiry of time granted under order dated 23.04.2015. It is further submitted that even in absence of petitioner no.1, the writ petition could have been argued on merit as the matter assailed was common to all the petitioners.

Considering the facts and circumstances of the case, I allow the application. Time granted under order dated 23.04.2015 is extended to 06.05.2015 subject to payment of cost in the sum of Rs. 250/- with the Patna High Court, legal Services Committee and filing receipt thereof within seven days.

(Kishore Kumar Mandal, J)

HR/-

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