

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1279 of 2017

In
Civil Writ Jurisdiction Case No. 15444 of 2008

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Sidheshwar Prasad Singh, S/o Late Ram Bachan Singh, resident of Village-
Chandi, P.S.- Chandi, District- Bhojpur (Ara)

.... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Patna
3. The Zonal Inspector General of Police, Patna
4. The Deputy Inspector General of Police, Patna
5. The Senior Superintendent of Police, Patna
6. The District Magistrate, Patna
7. The Accountant General, Bihar, Patna

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mr. Prabhat Kumar Verma - Aag 3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-08-2017 This application has been filed for restoration of

C.W.J.C. No. 15444 of 2008, which stood dismissed for want of

prosecution vide order dated 09th November, 2016.

It would be manifest from the record that the writ
petition was filed on 15th October, 2008. When it was taken up on
29th November, 2011, no body appeared on behalf of the petitioner
either to press the petition or to make a request for adjournment.
However, the matter was adjourned to 30th November, 2011. On
30th November, 2011 also, no body appeared to press the
application. Hence, the writ petition was dismissed for want of
prosecution.



Thereafter, a restoration application was filed vide MJC No. 5859 of 2011. When the restoration application was taken up on 17th April, 2013, again no body appeared to press the restoration application. However, the case was adjourned. On the next date, i.e. 24th July, 2013 when MJC No. 5859 of 2011 was taken up, the lawyer for the petitioner failed to appear and, hence, the restoration application was dismissed for want of prosecution.

Subsequently another application vide MJC No. 1420 of 2016 was filed for restoration of MJC No. 5859 of 2011, which was allowed by this Court vide order dated 17th August, 2016. Thereafter the said MJC No. 5859 of 2011 was heard and C.W.J.C. No. 15444 of 2008 was directed to be restored to its original file vide order dated 21st September, 2016.

Once again when the writ petition (C.W.J.C. No. 15444 of 2008) was taken up for hearing on 9th November, 2016, despite repeated calls, no body appeared on behalf of the petitioner to press the petition and, hence, the writ petition was dismissed for want of prosecution. After dismissal of the writ petition on 9th November, 2016, the instant MJC application has been filed on 25th April, 2017 for restoration of C.W.J.C. No. 15444 of 2008.

It is submitted by the learned counsel for the petitioner that on the appointed day the petitioner could not mark the list and



thus he could not pursue the matter as a result of which the application has been dismissed for want of prosecution.

Regard being had to the manner in which the writ petition has been conducted, I am not inclined to accede to the prayer made in the present application. The ground taken by the petitioner for seeking restoration of the writ petition does not inspire confidence.

Accordingly, the restoration application is dismissed.

(Ashwani Kumar Singh, J)

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