

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1778 of 2016

In
Civil Writ Jurisdiction Case No.4186 of 2011

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1. Baidhynath Mathur Son of Late Sobhi Mathan
 2. Chandra Bhushan Prasad Son of Baidhynath Mathan Both are resident of village Vidhyapur Hussainabad police station Ariari, District-Shekhpora.

... .. Petitioner/s

Versus

1. The State of Bihar through D.M. District Shekhpora, Respondent.
2. Shakuntala Devi Wife of Kalicharan Mathan
3. Kali Charan Mathur Son of Late Tetar Mathan. All are resident of village Vidyapur Hussainabad police station Ariari District- Shekhpora-Private Respondents.
4. Sunaina Devi W/O Mahendra Mathon
5. Mahendra Mathon son of Late Letar Mathon, all are residents of Village Vidyapur Hussainabad, P.S. Ariari, Shekhpora

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar
For the Respondent/s : Mr. SC3- SYED ARSHAD ALAM

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

4 15-11-2017 Heard the counsel for the petitioners.

The application seeks restoration of CWJC No. 4186 of 2011 by recall of the order dated 22.04.2016, whereby considering the facts of the case as also non- appearance of the petitioners, the same was dismissed for non-prosecution.

The statement made in the application and submission made in support thereof do not convince the Court to allow this application. The application seeking restoration of CWJC No. 4186 of 2011 is rejected.



It is, however, clarified that if the cause for which the writ petition was filed still survives, it will be open to the petitioner to file a fresh writ application and the present order shall not preclude them from doing so.

(Kishore Kumar Mandal, J)

HR/-

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