

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2921 of 2016

In

Civil Writ Jurisdiction Case No. 6785 of 2006

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Lalan Prasad Choudhary, son of Shri Krishna Choudhary, resident of
Village- Chak Mohdin, PO- Jandaha, P.S.- Jandaha, District- Vaishali.

.... Petitioner/s

Versus

1. The Vaishali District Central Cooperative Bank Limited through its Managing Director, Vaishali at Hajipur.
2. The Managing Director, the Vaishali District Central Co-operative Bank Limited, Vaishali at Hajipur.
3. The Chairman of the Board, the Vaishali District Central Cooperative Bank Limited, Vaishali at Hajipur.
4. The Administrator, the Vaishali District Central Cooperative Bank Limited, Vaishali at Hajipur.

.... Respondent/ Opposite Party/s

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With

Civil Review No.374 of 2016

IN

Civil Writ Jurisdiction Case No. 6785 of 2006

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Lalan Prasad Choudhary, Son of Shri Krishna Choudhary, resident of
Village- Chak Mardin, P.O.- Jandaha, P.S. & District- Vaishali.

.... Petitioner/s

Versus

1. The Vaishali District Central Co-operative Bank Limited through its Managing Director, Vaishali at Hajipur.
2. The Managing Director, the Vaishali District Central Co-operative Bank Limited, Vaishali at Hajipur.
3. The Chairman of the Board, the Vaishali District Central Co-operative Bank Limited, Vaishali at Hajipur.
4. The then Administrator -cum- District, Magistrate, the Vaishali District Central Co-operative Bank Limited, Vaishali at Hajipur.

.... Respondent/s

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Appearance :

(In MJC No.2921 of 2016)

For the Petitioner/s : Mr. Yogendra Mishra, Adv.
Mr. Arvind Kumar Jha, Adv.

For the Respondent/s : Mr. Sanjay Kumar, Adv.

(In C. REV. No.374 of 2016)

For the Petitioner/s : Mr. Yogendra Mishra, Adv.
Mr. Arvind Kumar Jha, Adv.

For the Respondent/s : Mr. Sanjay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER



3 08-02-2017

Re: MJC No.2921 of 2016:

Heard the parties.

This application which has been filed for restoration of CWJC No.6785 of 2006 is held not maintainable inasmuch as the order has been passed by the Bench on maintainability and not on default and thus the restoration application is held not maintainable and is disposed of accordingly.

Re: Civil Review No.374 of 2016:

Heard Mr. Yogendra Mishra, learned counsel appearing for the review petitioner and Mr. Sanjay Kumar, learned counsel appearing for the Bank.

Mr. Yogendra Mishra, learned counsel appearing for the review petitioner has invited the attention of this Court to an order passed on 5.1.2015, whereby on the submission made by the parties the Bench concerned presided by Hon'ble Mr. Justice Shivaji Pandey delisted the matter for being placed before the appropriate Bench after obtaining orders of Hon'ble the Chief Justice. He submits that thereafter the matter was placed before the Hon'ble the Chief Justice and was assigned to Hon'ble Mr. Justice Samarendra Pratap Singh. He thus submits that although counsel for the petitioner was not present but attention of this Court was also not drawn towards this important fact by the



respondent's counsel when this matter was taken up and disposed of on 18.7.2016. He submits that since the counsel for the review petitioner was under the impression that since the matter had been assigned to Hon'ble Mr. Justice Samarendra Pratap Singh, the matter would be listed before him, there was no representation on behalf of the review petitioner.

The submission of Mr. Yogendra Mishra is supported by the office note which submits that in view of the order dated 5.1.2015 Hon'ble the Chief Justice has assigned the matter to Hon'ble Mr. Justice Samarendra Pratap Singh on 27.1.2015. In view of such assignment neither this matter could have been listed before my Bench nor it could be disposed of by me.

In the circumstances explained, the order dated 18.7.2016 passed by this Court stands recalled and the writ petition bearing CWJC No.6785 of 2006 stands restored to its original file, to be placed before the appropriate Bench.

Civil Review No.374 of 2016 is accordingly allowed.

(Jyoti Saran, J)

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