

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2048 of 2017
In
Miscellaneous Jurisdiction Case No. 113 of 2016

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1. Jyotish Chandra Jha, son of Late Mahesh Chandra Jha, resident of
Village- Chikui, Police Station- Sarsi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mallick, Advocate

For the Respondent/s : Mr. P. K. Verma (AAG-3)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 04-10-2017 This application has been filed for restoration of

M.J.C. No. 113 of 2016 (Jyotish Chandra Jha V. The State of

Bihar through the Collector, Purnea), which was dismissed on

21.06.2017.

The order dated 21.06.2017 passed in MJC No.113 of
2016 is being reproduced below:

“Nobody appears on behalf of the
petitioner.

The present restoration application has
been filed on 11.01.2016 praying for restoration of
M.J.C. No.1233 of 2003 which has been dismissed
for default in the year 2004 itself.

It transpires from the records that the



S.A. No.338 of 1994 was dismissed for non-prosecution by order dated 25.06.2003. Thereafter, the prayer for restoration was made in I.A. No.1233 of 2003 which has also been dismissed. After dismissal of the said restoration application, there is no cogent explanation at all praying for restoration by filing the present application in the year 2016.

In the ultimate eventuate, this restoration application is dismissed.”

The office has raised objection regarding maintainability of the present MJC petition.

Submission of the learned counsel for the petitioner is that since the MJC No.113 of 2016 was dismissed as no body appeared on behalf of the petitioner. Hence, the petitioner would be substantially prejudiced if the dismissal is not set aside.

The perusal of the order dated 21.06.2017 passed in MJC No.113 of 2016, as quoted above, would reveal that for restoration of the dismissed Second Appeal No.338 of 1994, MJC No.1233 of 2003 was filed, which was dismissed and after dismissal of the same no explanation was put forth for restoration of the said application. Hence, MJC No.1233 of 2003 was also dismissed on 28.07.2004.

After hearing the parties, I do not find any reason to



entertain application after application for the same relief. Hence, this application stands dismissed with cost of Rs.500/- to be deposited in the Victim Compensation Fund.

(Birendra Kumar, J)

Mkr./-

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