

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 123 of 2017
In
Civil Writ Jurisdiction Case No. 6724 of 2011

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Ram Kumari Devi

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar
For the Opp. Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 23-08-2017 The present matter has been listed on the basis of mentioning slip filed on behalf of the petitioner. By order dated 09-08-2017, the present restoration petition was allowed and it was directed to restore C.W.J.C. No. 6724 of 2011, which had earlier dismissed due to non-compliance of the peremptory order. The writ petition stood dismissed since in compliance with the order of the writ court, reply to the counter affidavit was not filed within time.

Mr. Soban Asghar, learned counsel for the petitioner submits that due to inadvertence, on the last date when the present restoration petition was taken up, he failed to inform the Court that in compliance with the order dated 12-04-2016 passed in C.W.J.C. No. 6724 of 2011, he had already filed reply to the counter affidavit, but that was filed after the expiry of



peremptory time. He submits that since in the order dated 09-08-2017 passed in the present petition, it was directed to comply earlier order of the writ court by way of filing reply to the counter affidavit, the same portion may be modified.

I have also examined the record of the writ petition, which suggests that reply to the counter affidavit, in compliance with the earlier order, was already filed, but belatedly the same is on record.

Considering the facts and circumstances, the last portion of the order dated 09-08-2017 i.e. direction to comply earlier order is, hereby, recalled.

Accordingly, the order dated 09-08-2017 is modified to the extent, as indicated hereinabove.

(Rakesh Kumar, J.)

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