

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3712 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 2865 of 2016

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Balakeshi Devi, W/o Late Harihar Prasad R/o Bazar Samiti Road, Police Station -
Nawada Area, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner and Secretary, Health, Medical Education and Family Welfare Department, Government of Bihar, Patna.
3. The Director, Tuberculosis Demonstration and Training Centre, Kadam Kuan, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-06-2017

Heard learned counsel for the petitioner. Nobody appears on behalf of the State, despite copy of the petition having been served on learned counsel for the State on 27.01.2016 itself and name appearing in the cause list.

2. The present application has been filed seeking restoration of C.W.J.C. No. 2865 of 2016, which stood dismissed for non compliance of the order dated 16.02.2016.

3. Learned counsel for the petitioner submitted that by the said order, two weeks peremptory time was granted to remove the defects but two of the defects could not be removed and were rather fit to be ignored but because learned counsel for the petitioner could



not appear on 16.02.2016, when the order was passed, Interlocutory Application No. 1845 of 2016 was filed seeking recall of the order dated 16.02.2016 requiring the petitioner to remove the defects.

4. From the records it transpires that the Interlocutory Application has been filed on 26.02.2016, that is, within two weeks of 16.02.2016.

5. In view thereof, Interlocutory Application having been filed before the peremptory time granted having expired, the Court deems it appropriate to restore C.W.J.C. No. 2865 of 2016 to its original file and number.

6. Accordingly, C.W.J.C. No. 2865 of 2016 stands restored to its original file and number.

7. Let Interlocutory Application No. 1845 of 2016 filed in C.W.J.C. No. 2865 of 2016 be now placed before the appropriate Bench for consideration.

8. The present application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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