

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2302 of 2018

In
Letters Patent Appeal No.1623 of 2017

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1. The State of Bihar through the Secretary-cum-Commissioner, Minor Irrigation, Government of Bihar, Patna.
 2. The Secretary-cum-Commissioner, Minor Irrigation, Government of Bihar, Patna.
 3. The Co-ordinator, Minor Irrigation (Tubewell) Division, Bihar, Patna.
 4. The Joint Secretary, Department of Minor Irrigation, Government of Bihar, Patna.
 5. The Deputy Secretary, Department of Minor Irrigation, Government of Bihar, Patna.
 6. The Chief Engineer (North) Tube Well Section, Muzaffarpur, District - Muzaffarpur.
 7. The Superintending Engineer, Tubewell Division, Muzaffarpur, District - Muzaffarpur.
 8. The Executive Engineer, Tubewell Division, Hazipur at Vaishali.
 9. The District Magistrate, Buxar.
 10. The Executive Engineer, Tubewell Division, Buxar.
 11. The Block Development Officer, Dumraon, District - Buxar.

... .. Petitioner/s

Versus

Raja Mian son of Mohammad Jallauddin Mian resident of village and P.O. Baraon Kala, P.S. - Akorhi Gola (Dehri), District - Rohtas now presently resident of mohalla New Azimabad Colony, Shershah Street, Sector - D, P.S. - Sultanganj and District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Sinha, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-07-2018

Office objections are overruled.

This application has been filed for restoration of L.P.A. No. 1623 of 2017 which was dismissed for want of prosecution on 28.06.2018.



We have gone through the original record of L.P.A. No. 1623 of 2017 and we find that the said L.P.A. was filed on 21.11.2017. It was listed for the first time before the court on 28.06.2018 when it was dismissed even without notice to the respondent.

Considering the fact that in the LPA itself notices were not issued to the respondent, for the present, we see no reason to issue notices to the respondent.

Keeping in view the reasons indicated in the application, we find that the reason for the default committed in appearance is bona fide and it is a fit case where accepting the same the application should be allowed and L.P.A. No. 1623 of 2017 be allowed.

Accordingly, we allow the application, restore L.P.A. No. 1623 of 2017 and direct for its listing before the appropriate Bench after obtaining necessary orders from The Chief Justice.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

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