

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.171 of 2017

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Ramesh Singh & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Ambastha

For the Respondent/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 15-01-2018

The present restoration application has been filed for restoring C.W.J.C. No. 11031 of 1996 which was dismissed for non-compliance of the order dated 26.08.2013. The said dismissal occurred on account of the death of one Mr. Sunil Kumar Singh who had died on 24.04.2009. Since the conducting Advocate did not appear, the matter was again listed on 26.08.2013, but again no one appeared for the petitioner and a fresh peremptory order was issued by this Court for issuance of fresh service notice on Respondent No. 5 under both processes. Since the same could not be complied on account of the sad demise of learned counsel appearing on behalf of the petitioner, the matter stood dismissed for non-compliance of the order.

Learned counsel for the petitioner submits that much thereafter the present petitioners who are the legal heirs of the original petitioner came to know about the fate of their case and



filed the restoration petition. They have also filed an interlocutory application (I.A. No. 4963 of 2017) for being substituted in the writ application as the legal heirs of the deceased Rajnandan Singh who died leaving behind the present petitioners.

For the reasons stated in the restoration application, the C.W.J.C. No. 11031 of 1996 be restored to its original file and the petitioners in I.A. No. 4963 of 2017 be treated as the substituted heirs of the said application.

I.A. No. 4963 of 2017 stands allowed.

Let this interlocutory application be also treated as part of the writ application.

(Anjana Mishra, J)

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