

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2286 of 2016

In
Civil Writ Jurisdiction Case No.21490 of 2011

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Mukti Nath Dubey

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

=====

with

Miscellaneous Jurisdiction Case No. 215 of 2018

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Geeta Devi

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

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Appearance :

(In Miscellaneous Jurisdiction Case No. 2286 of 2016)

For the Petitioner/s : Mr. Rana Pratap Singh

For the Respondent/s : Mr. AC to AAG-14

(In Miscellaneous Jurisdiction Case No. 215 of 2018)

For the Petitioner/s : Mr. Rana Pratap Singh

For the Respondent/s : Mr. Ravindra Kumar Shukla

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

7 07-02-2018 Heard Sri Rana Pratap Singh, learned counsel for the petitioner, learned AC to Addl. Advocate General no.14 as well as Sri Ravindra Kumar Shukla, learned counsel appearing on behalf of Opp.Party/Bihar State Forest Development Corporation.

The present petition has been filed on behalf of legal heir of writ petitioner for restoration of C.W.J.C.No.21490 of 2011, which stood dismissed on 18.05.2016 due to non-prosecution.



Before filing of the present restoration petition, one another restoration petition was filed vide M.J.C.No.2286 of 2016, but said petition was filed on behalf of dead writ petitioner. However, both restoration petitions have been listed today and, as such, both matters were taken up together and are being disposed of by common order.

The present M.J.C.No.215 of 2018 on behalf of wife of writ petitioner has been filed along with death certificate of writ petitioner, namely, Mukti Nath Dubey, which has been brought on record as Annexure-1.

Learned counsel for the petitioner submits that in the main writ petition itself, a substitution petition vide I.A. No.454 of 2012 was filed, but without any order on substitution petition, the writ petition stood dismissed due to non-prosecution.

The reason for non-appearance of learned counsel for the petitioner in the main writ petition has already properly been explained in the present petition. Accordingly, restoration petition i.e. M.J.C.No.215 of 2018 is allowed and C.W.J.C.No.21490 of 2011 is directed to be restored to its original file.

Since petition filed by legal heir for restoring writ petition has already been allowed, there is no reason to pass any positive



and separate order in M.J.C.No.2286 of 2016 and, as such,
M.J.C.No.2286 of 2016 stands disposed of.

(Rakesh Kumar, J)

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