

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1479 of 2017

IN

Civil Writ Jurisdiction Case No. 9021 of 2011

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Arun Kumar, Son of Sri Birendra Prasad, Resident of Saket Bhawan, Road No. 13-C, Rajendra Nagar, P.S.- Kadam Kuan, District- Patna.

.... Petitioner

Versus

1. Magadh University, through the Registrar Magadh University, Bodh Gaya,
2. The Principal, S.M.D. College, Sripalpur, Punpun, Patna.
3. Sri Ram Singh, father's name not known (Ex-Principal), S.M.D. Collage, Sripalpur, Punpun, Patna.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Manoj Kumar Yadav, Advocate

For Opposite Parties : Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-06-2018

Heard learned counsel for the petitioner as well as learned counsel for the opposite parties.

2. The present petition has been filed for restoration of CWJC No. 9021 of 2011 which stood dismissed for non-prosecution by order dated 30.09.2015.

3. It is stated that on the relevant date, namely, 30.09.2015 counsel for the petitioner did not appear when the case was called due to personal reasons and requested two Advocates to attend the court to pray for pass over for the day but they failed to do so. Upon knowing the position, the restoration application has been filed.



4. This Court is not satisfied that any sufficient ground has been made out for restoration. A vague statement has been made that the counsel for the petitioner could not appear due to personal reasons. Besides even though the writ petition was dismissed for default on 30.09.2015, the restoration application has been filed as late as on 12.05.2017 without explanation or without giving any reason whatsoever for such inordinate delay.

5. Moreover, a perusal of the prayer in the main writ petition makes it absolutely clear that the petitioner is pursuing a stale claim and no fruitful purpose would be served by restoring the case to its original file.

6. The present petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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