

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1875 of 2018

In

Civil Writ Jurisdiction Case No. 13856 of 2011

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Rajendra Prasad Yadav

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kishore Prasad
Mr. Rohit Kishore Prasad

For the Respondent/s : Mr. Md. Khurshid Alam - Aag 12

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 16-07-2018

Heard both sides.

This M.J.C. has been filed for restoration of C.W.J.C. No. 13856 of 2011, which has been dismissed against Respondent No. 4 for non-compliance of the order dated 14.02.2012, by which the petitioner was directed to issue notice to private respondent under ordinary process as well as under registered cover with A/D, for which requisites must be filed within one week. The order was peremptory.

Mr. Rajendra Kishore Prasad, learned counsel for the petitioner submits that due to mistake of his office, the requisition for issuance of notice was filed after the peremptory period and this fact was not noticed. Therefore, on account of this fact, the restoration petition was filed in the year 2018.



Since the learned counsel has owned the responsibility of non-compliance of the order dated 14.02.2012 and delay in filing the restoration petition, the restoration petition is allowed. CWJC No. 13856 of 2011, which was dismissed against the respondent No. 4 for non-compliance of the order dated 14.02.2012, is restored.

Let the notice, for which the requisition is filed, be issued on respondent No. 4.

Accordingly, the MJC petition is allowed.

(Prabhat Kumar Jha, J.)

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