

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.6764 of 2012

In
Civil Writ Jurisdiction Case No.1519 of 1988

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Baliram Choubey & Ors.

... .. Petitioner/s

Versus

State Of Bihar & Anr

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma
For the Respondent/s : Mr. Mithilesh Kumar Pathak

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

18 26-09-2018 Heard Shri Ramakant Sharma, the learned Senior

counsel for the petitioners and the learned counsel appearing on

behalf of the respondents.

The petitioners have filed this restoration petition for
restoration of CWJC No.1519 of 1988, which was dismissed for
non-prosecution on 28.02.2006.

Learned counsel for the petitioners submits that the
case was admitted and thereafter listed under the heading for
hearing but due to mistake, the Advocate Clerk could not mark
the case in the daily cause list. Consequently the writ petition
was dismissed for non-prosecution. The writ petition was filed
against the order of the Director, Consolidation and if the same
is not restored, the petitioner shall suffer irreparable loss and
will result in injustice.



The learned counsel for the respondents submits that the restoration petition itself was filed after more than six years from the date of dismissal of CWJC No.1519 of 1988.

Having considered the facts aforesaid that on account of non-marking the case in the daily cause list, the learned counsel for the petitioners could not attend the case while listed for hearing, restoration petition is allowed and CWJC No.1519 of 1988 is restored to its original file.

(Prabhat Kumar Jha, J)

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