

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1874 of 2018

In
Civil Writ Jurisdiction Case No.1292 of 2016

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Sri Binod Kumar Sinha S/o Sri Ramprasad Sinha, resident of Mohalla-
Maharajganj, P.S. Alamganj, District- Patna.

... .. Petitioner

Versus

1. The Patna Municipal Corporation through its Municipal Commissioner, 2nd Floor, Block-C, PRDA Building, Patna-800001.
2. Saroj Devi w/o Sri Bharat Mishra, resident of Mohalla- Pakari near India Oil Gas Agency, Pakari, P.S.- Nawada, District- Bhojpur (Ara).

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey
For the Opposite Party/s : Mr. Prasoon Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 14-08-2019 This application under Article 226 of the Constitution of India has been filed by the petitioner for restoration of CWJC No. 1292 of 2016 to its original file, which was dismissed for want of prosecution vide order dated 15.05.2018.

It is submitted by the learned counsel for the petitioner that the writ petition was listed under the heading “For Admission” on 15.05.2018 and on that day itself one Letters Patent Appeal was also listed at serial no. 32 in another Court. The Letters Patent Appeal before the Division Bench was taken up and by the time the counsel for the petitioner could come to attend the writ petition bearing CWJC No. 1292 of 2016, the same was already dismissed for want of prosecution.



It is contended that there is no deliberate laches on the part of the petitioner in pursuing the matter, rather, due to unavoidable and compelling circumstances he could not attend the proceeding before the Court as he was arguing the case before the Division Bench.

Learned counsel for the Municipal Corporation and the private respondent do not oppose the restoration application of the petitioner.

In the facts and circumstances of the case, the application is allowed. CWJC No. 1292 of 2016 is restored to its original file.

(Ashwani Kumar Singh, J)

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