

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2936 of 2017

In
Miscellaneous Jurisdiction Case No.3274 of 2015

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Binod Kumar, Son of Sri Baijnath Kunwar, resident of village- Nathmalpur, P.S.- Barhara, District- Bhojpur, at Ara formerly posted as Constable No. 92002706 in 21 BN BSF, Gokulnagar, Tripura (West) at Agartalla.

... .. Petitioner

Versus

1. The Union of India through the Secretary, Defence (Incharge B.S.F.) Ministry of Defence, Government of India, New Delhi
2. The Director General Boarder Security Force, C.G.O. Complex, Block No. 10, Lodi Road, New Delhi- 110003
3. The Inspector General of Boarder Security Force, Sal Bagan, West Tripura at Agartalla.
4. Deputy Inspector General Boarder Security Force, Gokul Nagar, West Tripura at Agartalla.
5. The Commandant, 21 BN BSF, Gokulnagar, Tripura, West, at Agartalla.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Mahesh Prasad, Adv.
For the Opposite Party/s : Mr. Kumar Priyaranjan, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 30-01-2019 The present petition has been filed with a prayer to restore a restoration petition i.e. M.J.C. No. 3274 of 2015, which stood dismissed on 26.04.2017 due to non-prosecution. On examination of the record, it is evident that original writ petition, which was filed in the year 2007, stood dismissed on 24.06.2013 due to non-prosecution. Thereafter, two restoration petitions were filed, however both restoration petitions again stood dismissed due to non-prosecution and now, third restoration petition has been filed.

Considering the fact that original writ petition was



filed in the year 2007, it would not be advisable for this Court to allow restoration petition, which was filed in the year 2017, for restoring writ petition, which stood dismissed long back due to non-prosecution.

Accordingly, the restoration petition stands dismissed.

It is made clear that the writ petition was not dismissed on merit.

(Rakesh Kumar, J.)

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