

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.101 of 2016

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1. The Union Of India through the General Manager Eastern Central Railway Hajipur
 2. The Divisional Railway Manager, East Central Railway, Danapur.
 3. The Senior Divisional Operating Manager, Eastern Central Railway, Danapur.
 4. The Senior Divisional Personnel Manager, Eastern Central Railway, Danapur.
 5. The Sr. D.F.M. Eastern Central Railway, Danapur.

... .. Petitioner/s

Versus

Vishwanath Mehta S/o Late Kishori Mehta Guard, E.C. Railway, Jhajha.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindhyachal Singh, Adv.

Mr. Manish Prakash, Adv.

For the Opposite Party/s : Mr. Kumar Manglam, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

4 06-02-2019 Heard learned counsel for the petitioners and learned counsel for the sole opposite party.

This application has been filed by the petitioner for restoration of CWJC No. 49 of 2012, which stood dismissed for non-compliance of the peremptory order dated 26.06.2012 passed by this Court.

It is submitted by the learned counsel for the petitioners that the petitioners could not comply the order dated 26.06.2012 within time due to communication gap between the counsel and his clerk. Though the clerk was directed to file notice within time, the same could not be done as a result of



which the application stood dismissed on 17.07.2012. He contended that subsequently an inspection slip was filed and on perusal of the file the petitioner could come to know that the application stood dismissed due to non-compliance of the Court's order.

Learned counsel for the sole opposite party does not oppose the application for restoration.

On the facts and in the circumstances of the case, the prayer made by the petitioner is allowed. CWJC No. 49 of 2012 is restored to its original file.

Mr. Kumar Manglam, learned counsel for the sole opposite party submits that he has instruction to appear in the writ petition also.

Since Mr. Kumar Manglam, learned counsel undertakes that he will be filing vakalatnama in the writ petition shortly, no notice is required to be issued to the sole respondent in the writ petition.

(Ashwani Kumar Singh, J)

(Chakradhari Sharan Singh, J)

pradeep/sneha

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