

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1880 of 2018

In
Civil Writ Jurisdiction Case No.12271 of 2011

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Uttar Bihar Gramin Bank, through the Chief Manager, Head Office,
Kalambagh Chowk, Muzaffarpur.

... .. Petitioner

Versus

1. Employee Provident Fund Organization through the Regional Provident Fund Commissioner, Sub Regional Office, 1st Floor, Surya Complex, Laxmi Chowk, Muzaffarpur.
2. Regional Provident Fund Commissioner-II, Office of the Employees Provident Fund Organization, 1st Floor, Surya Complex, Laxmi Chowk, Muzaffarpur.
3. T. S. Shukla, Uttar Bihar Gramin Bank Employees Federation C/o Mitra Bhawan, Bahalkhana Road, Muzaffarpur-842002.
4. Ajay Kumar Shukla son of Bhola Nath Shukhla resident of village- Etwapur, P. O. Jalalpur, District- Vaishali-844114
5. Arun Kumar Thakur son of Shayam Sunder Thakur resident of village & P. O. Mahant Maniyari, District- Muzaffarpur-842001
6. Laxmi Narayan Prasad son of late Binda Prasad resident of Mirchaipati, P. O. Sitamarhi, District- Sitamarhi 843302.
7. Laxman Prasad son of late Yamuna Prasad resident of Bairganiya, P. O. Bairganiya, District- Sitamarhi-843313.
8. Awadesh Kumar Srivastava son of Sarvjeet Prasad Srivastava resident of village- Jainagar, P. O. Jainagar, District- Jainagar-847226
9. Anil Kumar Barnwal son of late Jyotish Prasad Barnwal resident of village & P. O. Mahnar, P.S. Mahnar, District- Vaishali-844506
- 10 Uma Shankar Sharma son of late Lotan Sharma resident of village- & P. O. Gandhichak, P.S. Lalganj, District- Vaishali-844121.
11. Prem Kumar Son of Kameshwar Prasad Sah resident of village- Simra, P. O. Mansoorpur, P.S. Vaishali, District- Vaishali-843101.

... Opposite parties.

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Appearance :



For the Petitioner : Mr.Abhimanyu Vatsa, Advocate
For the O. P Nos 1 and 2 : Mr. Ram Shankar Pradhan, Sr. Advocate
Mr. Jainandra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 07-08-2019 Heard learned counsel for the petitioner and learned
counsel for opposite party nos. 1 and 2.

This application under Article 226 of the Constitution of India has been filed by the petitioner for restoration of CWJC No. 12271 of 2011, which stood dismissed for want of prosecution vide order dated 16.04.2018.

Learned counsel for the petitioner submitted that since the advocate on record had got elevated to the Bench and no alternative arrangement could be made as a result of which when the matter was called out, no one appeared to attend the proceedings of the court. He contended that there is no deliberate or intentional laches on the part of the petitioner.

Mr. Ram Shankar Pradhan, learned senior advocate appearing for opposite party nos. 1 and 2 opposed the application for restoration. He contended that the petitioner ought to have made an alternative arrangement after the advocate on record had been elevated to the Bench. However, he, deliberately, did not appoint any other counsel to represent the case.

Be that as it may, regard being had to the facts and



circumstances of the case, the restoration application is allowed.

CWJC No. 12271 of 2011 is restored to its original
file.

(Ashwani Kumar Singh, J)

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