

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1515 of 2016

In
Civil Writ Jurisdiction Case No.11913 of 2006

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Mostt. Sukeshara Kuer and Ors

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri Rewti Kant Raman
For the Opposite Party/s : A.C. to A.A.G. No. 14

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

7 06-02-2019 Heard Sri Mahesh Prasad, learned counsel, assisted by

Sri Rewti Kant Raman, learned counsel for petitioners as well as

learned A.C. to A.A.G. No. 14.

The present petition was filed for restoring C.W.J.C. No. 11913 of 2006, which stood dismissed long back in the month of May, 2013 due to non -compliance of peremptory order dated: 01.04.2013. Before 01.04.2013, on 31.01.2013 in C.W.J.C. No. 11913 of 2006 a prayer was made by learned counsel for petitioners for adjourning the case for filing substitution petition. A plea was taken that petitioner no. 1 had died during pendency of writ petition. Thereafter, on 01.04.2013 it was informed by learned counsel for petitioners that both the petitioners died. Accordingly, one month peremptory time was granted for filing substitution petition. Since it was not filed within time, the writ petition stood dismissed in the month of



May, 2013 itself. Thereafter, in the month of April, 2016 almost after three years after rejection of writ petition the present restoration petition was filed. Fact remains that original two petitioners had already died and legal heirs had filed the present interlocutory application during pendency of this petition. On perusal of interlocutory application i.e. I.A. No. 9669 of 2016 it appears that number of opposite parties have already died. Death of original petitioners particularly petitioner no. 1 had already occurred long back but in writ petition proper date was not indicated. Fact remains that original writ petition, which was filed in a dispute relating to mutation was dismissed about three years back, and thereafter, restoration petition was filed. Of-course some explanation has been given, but court is not satisfied with the same, and as such, there is no reason for allowing the restoration petition. Accordingly, restoration petition i.e. M.J.C. No. 1515 of 2016 stands dismissed.

It goes without saying that original writ petition was never heard on merit and it stood dismissed due to non-compliance of peremptory order.

praful/-

(Rakesh Kumar, J)

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