

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1157 of 2017

In
Civil Writ Jurisdiction Case No.4126 of 2014

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Laxmi Devi, wife of Late Dr. Ganesh Kumar, Resident of Village- Chiraiya
Ghat Road Barmasia, P.S.- Giridih, District- Giridih (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Director, Health Services, Govt. of Bihar, Patna.
4. The Civil Surgeon, Jamui, District- Jamui.
5. The Director, Health Services, Jharkhand.
6. The Civil Surgeon, Giridih, District- Giridih (Jharkhand).
7. The Accountant General, Bihar & Jharkhand, Veerchand Patel Path Road,
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Respondent/s : Mr.S.D. Yadav - AAG-9

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 02-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed by the petitioner for
restoration of C.W.J.C. No.4126 of 2014, which stood dismissed
for want of prosecution vide order dated 23.03.2017.

It is submitted by the learned counsel for the
petitioner that since he was indisposed on 23.03.2017 and was
confined to bed, he could not attend the court when the case was
called out as a result of which the writ petition was dismissed
for want of prosecution. It is further submitted that his non-
appearance before the court was neither deliberate nor wilful



rather the same occurred due to unavoidable and compelling reason. If the writ petition is not restored, the petitioner would suffer irreparable injury for no fault on his part.

Learned counsel for the State does not oppose the prayer of the petitioner.

Considering the submissions made above, the application is allowed.

C.W.J.C. No.4126 of 2014 is directed to be restored to its original file.

(Ashwani Kumar Singh, J)

Md. S/-

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