

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.307 of 2020

In
Miscellaneous Jurisdiction Case No.4190 of 2019

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Lalbabu Prasad Singh, Son of Late Singeshwar Singh, resident of Village-Jalil Nagar, P.O-Laloo Chapra, P.S-Paroo, District-Muzaffarpur, Bihar. Also at-Jalil Nagar, Saraiya Factory, Minapur, District-Muzaffarpur, Bihar.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Prohibition Excise & Registration Department, Government of Bihar, Patna.
3. The Excise Commissioner, Prohibition Excise & Registration Department, Government of Bihar, Patna.
4. The District Transport Officer, Muzaffarpur.
5. The District Magistrate-cum-Collector, Muzaffarpur.
6. The Superintendent of Excise, Muzaffarpur.
7. The Superintendent of Police, Muzaffarpur.
8. The Officer-in-charge, Paroo Police Station, Muzaffarpur.
9. The Excise Inspector, Chhata Chowk, Muzaffarpur, Bihar.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr.Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 14-10-2020 Heard learned counsel for the petitioner and learned counsel for the State via video conferencing.

2. The instant application has been filed by the petitioner for restoration of MJC No.4190 of 2019, which was dismissed for want of prosecution vide order dated 16.01.2020.



3. Learned counsel for the petitioner submitted that on 16.01.2020, inadvertently, the case could not be marked either by the counsel or by the advocate clerk. He contended that on that day, counsel appearing for the petitioner was suffering from viral fever and had not even attended the court. He submitted that in case, the application is not restored, the petitioner would suffer irreparable injury for none of his fault.

4. Learned counsel for the State does not oppose the application for restoration of MJC No. 4190 of 2019.

5. Considering the submissions made on behalf of the parties, the application is allowed.

6. MJC No. 4190 of 2019 is directed to be restored to its original file.

7. Since the court proceedings are being conducted through virtual mode and normal court functioning has not been restored till date, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to us on our e-mail by the Sr. Secretary.



- (ii) The corrected copy of the order shall be transmitted by one of us (Ashwani Kumar Singh, J.) to the Sr. Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by us shall be preserved in the residential office of one of us (Ashwani Kumar Singh, J.) for documentation and future use, if any.
- (iv) Let a copy of the order be sent to Mr. Sanjay Kumar Singh, learned counsel for the petitioner also on his e-mail.
- (v) Let steps be taken by the Sr. Secretary/registry for up-loading of the present order without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

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