

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3495 of 2016

In

Civil Writ Jurisdiction Case No.343 of 2012

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Birendra Kumar, Son of late Kailash Mahto, Resident of Village & P.O.-
Mari, P.S.- Nalanda, District-Nalanda, at present resident of Village- Neerpur,
P.S.- Nalanda, P.O.- Neerpur, District-Nalanda.

... .. Petitioner/s

Versus

1. Mahendra Prasad, Son of Late Kailash Mahto
2. Manoj Kumar, Son of Mahendra Prasad.
3. Mukesh Kumar, Son of Mahendra Prasad
4. Ramaiya Devi, Wife of Late Kailash Mahto. All Resident of Village &
P.O.- Mari, P.S. Nalanda, District-Nalanda, at present resident of Village-
Neerpur, P.S. Nalanda, P.O.- Neerpur, District-Nalanda.
5. Ravi Shankar, Son of Birendra Kumar.
6. Rajeev Kumar, Son of Birendra Kumar. All Resident of Village & P.O.-
Mari, P.S. Nalanda, District-Nalanda, at present resident of Village-Neerpur,
P.S.-Nalanda, P.O.- Neerpur, District-Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar, Advocate
For the Opposite Party/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 09-12-2021

The present petition stands filed seeking recall of the
order dated 28.07.2016 passed in CWJC No. 343 of 2012, titled
as Birendra Kumar Vs. Mahendra Prasad & Ors., whereby, by
virtue of peremptory order, the CWJC No. 343 of 2012, titled as
Birendra Kumar Vs. Mahendra Prasad & Ors. stands dismissed.

Record reveals that in the original petition itself,
several opportunities were afforded to the petitioner to remove
the defects, which orders were not complied with. Even in the
instant application, no sufficient cause seeking recall of the



order stands explained. Why steps were not taken is also not sufficiently explained.

As such, the writ petition does not warrant restoration and the present petition stands dismissed.

(Sanjay Karol, CJ)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	10.12.2021
Transmission Date	

