

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.25 of 2020

In
Letters Patent Appeal No.1293 of 2019

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1. The State of Bihar through Chief Secretary, Main Secretariat, Patna.
 2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
 3. Joint Secretary, Department of Social Welfare, Government of Bihar, Patna.
 4. Director, ICDS, Indira Bhawan, Patna.
 5. The Commissioner and Secretary, Department of Finance Government of Bihar, Main Secretariat, Patna.

... .. Petitioners

Versus

1. Chanarik Baitha, Son of Sukhlal Baitha, Residence, Shipara East, P.S.- Beur, Patna.
2. The Accountant General, Bihar, Beer Chand Patel Path, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Mandal, SC 3
For the Opposite Party/s : Mr. Kishore Kumar Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

2 22-06-2022 Heard Mr. Sunil Kumar Mandal, learned counsel for the petitioners and Mr. Kishore Kumar Thakur, learned counsel appearing on behalf of the respondent no. 1.

This application has been filed for restoration of L.P.A. No. 1293 of 2019 preferred on behalf of the State which was dismissed for want of prosecution vide order dated 19.12.2019.

It is submitted by Mr. Mandal, learned counsel for the



petitioner that on 19.12.2019, the advocate clerk had gone to Delhi for treatment of his son and, hence, the list could not be marked as a result of which the counsel for the petitioner could not appear and the matter got dismissed for want of prosecution. It is contended that there was no laches on the part of the petitioner except the fact that the list could not be marked. It is further contended that the State would suffer irreparable loss and injury if the appeal is not restored to its original file.

On the other hand, Mr. Kishore Kumar Thakur, learned counsel for the respondent no. 1 submitted that though he has no objection to the restoration application, the fact of the matter is that the order passed by this Court in writ petition has already been complied with by the State.

Be that as it may, the application for restoration is allowed.

L.P.A. No. 1293 of 2019 is directed to be restored to its original file.

List L.P.A. No. 1293 of 2019 before the Bench on 23.06.2022 under the same heading for consideration.

(Ashwani Kumar Singh, J)

(Dr. Anshuman, J)

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