

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.346 of 2020

In

Civil Writ Jurisdiction Case No.264 of 2014

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1. Babu Prasad Singh Son of Late Dorik Mahto Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai
 2. Ganga Singh @ Ganga Prasad Singh Son of Saryug Singh Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai
 3. Baijnath Singh Son of Late Munilal Mahto Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai.
 4. Jagarnain Singh @ Jagarnath Singh Son of Late Munilal Mahto Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai.
 5. Nirmala Devi Wife of Ram Bahadur Das Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai.

... .. Petitioner/s

Versus

1. Raja Ram Mahto Son of Late Chamru Mahto Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai.
2. Smt. Ram Dulari Devi Wife of Raja Ram Mahto Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai.
3. Bhama Devi Daughter of Late Munilal Mahto Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai.
4. Sunaina Devi Daughter of Late Munilal Mahto Resident of Village - Chiranjipur, Tola - Chakka, Pragna - Naipur, P.O. Fatehpur, P.S. and Anchal - Bachhwara, Sub - Division And Sub - Registry, Teghra, District - Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajni Kant Jha, Advocate
For the Opposite Party/s : Mr.



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 15-03-2023 Heard the learned counsel for the parties.

The learned counsel for the petitioners submits that the respondent no. 3 of the writ petition bearing C.W.J.C. no. 264 of 2014 has not been arrayed as a party- respondent in the present case since she has died long back on 23.10.2015 and statement to the said effect has been made in paragraph no. 4 of the supplementary affidavit filed in the present case, wherein it has been stated that the said respondent no. 3 has died on 23.10.2015 and her legal heirs are already on record.

In view of the aforesaid, the defect pointed out by the registry is ignored.

The present petition has been filed for restoration of a writ petition bearing C.W.J.C. no. 264 of 2014, which has stood dismissed on account of non- prosecution vide order dated 25.10.2019.

The learned counsel for the petitioner has submitted that since the counsel for the petitioner was engaged in another Court, he could not appear when the case was called out for hearing, hence, the aforesaid writ petition was dismissed on account of non- prosecution.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the petitioner as also considering the averments made in the present petition, I deem it fit and appropriate to direct for restoration of the aforesaid writ petition bearing C.W.J.C. no. 264 of 2014 to its original file.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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