

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18699 of 2014

Prity Kumari Wife of Mukesh Jaiswal Resident of Village - Bakhara, P.S. - Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The District Program Officer, Muzaffarpur.
5. The Block Development Officer, Saraiya, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Adv.
For the Respondent/s : Mr.Akash Raj, AC to GA-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 02-08-2023

1. The petitioner has prayed for quashing of the order dated 13.11.2013, passed by the learned Commissioner, Tirhut Division, Muzaffarpur, in Appeal Case No.26 of 2010 (Prity Kumari vs. State of Bihar), whereby and whereunder the appeal filed by the petitioner has been dismissed for default on account of the petitioner being absent on few occasions.

2. The learned counsel for the petitioner has submitted that the petitioner could not appear before the appellate authority on account of personal difficulties, nonetheless, it is submitted that even in absence of the petitioner, the learned Commissioner, Tirhut Division, Muzaffarpur, should have decided the appeal of the petitioner on merits.



3. I have heard the learned counsel for the parties and gone through the materials on record and I find that in the interest of justice and taking into account equitable considerations, apart from noticing the fact that it was incumbent upon the learned Commissioner, Tirhut Division, Muzaffarpur, to have decided the appeal on merits, even in the absence of the petitioner, I deem it fit and proper to quash the impugned order dated 13.11.2013, and remand the matter back to the learned Commissioner, Tirhut Division, Muzaffarpur, for fresh consideration.

4. It is needless to state that in case the petitioner does not appear before the learned Commissioner, Tirhut Division, Muzaffarpur, on 24th of August, 2023 at 10:30 a.m., the learned Commissioner, Tirhut Division, Muzaffarpur, shall proceed with the appeal ex-parte, and take a final decision, in accordance with law, forthwith.

5. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2023
Transmission Date	NA

