

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2136 of 2023

In
Civil Writ Jurisdiction Case No.14181 of 2010

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Renu Devi Wife of Sri Jay Thakur, Resident of Village-Janki Nagar, Police Station-Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Programme Officer, Sitamarhi.
3. Child Development Officer, Sitamarhi.
4. B.D.O. Majorganj, District-Sitamarhi.
5. Bahera Gram Panchayat through the Panchayat Sachiv, Police Station-Majorganj, District-Sitamarhi.
6. Geeta Bharti, Wife of Birbans Prasad Yadav, resident of Village-Malinia, Police Station-Majorganj, District-Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
For the Opposite Party/s	:	Mr. Gyan Prakash Ojha (GA-7)
		Mr. Abhishek Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-10-2023 Heard Mr. Binod Kumar, learned counsel appearing on behalf of the petitioner and Mr. Abhishek Kumar, learned counsel representing the State.

2. The petitioner by filing the present petition seeking restoration of C.W.J.C. No. 14181 of 2010, which stood dismissed for non-prosecution *vide* order dated 08.05.2017 passed by a learned bench of this Court.

3. It is submitted on behalf of the petitioner that the date on which the matter was taken up, there was none to



represent the petitioner on account of illness of her conducting lawyer which resulted into dismissal of the writ petition on account of non-prosecution but this fact has never been communicated to the petitioner, which resulted into delay in filing of the present restoration application. In this regard, the averments have been made in paragraph nos. 5, 6 & 7.

4. *Per contra*, learned counsel for the State opposes the restoration application and submits that the writ petition stood dismissed way back in the year 2017 itself, and the present restoration application has been filed after more than six years and on this account alone, the present writ application is fit to be dismissed.

5. Considering the fact that the writ petition was filed in the year 2010, and the matter was taken up in the year 2017, and the petitioner was all along pursuing her remedy bonafidely, the present restoration application is allowed, C.W.J.C. No. 14181 of 2010 stands restored to its original record.

(Harish Kumar, J)

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