

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4297 of 2018

In
CIVIL REVIEW No.72 of 2018

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Md. Wasimuddin son of Late Salimuddin, resident of Mohalla - Raham kha,
P.O. - Lalbagh, P.S. - Laheriya Sarai, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Principal Secretary Industry Department cum Chairman Bihar Industrial Area Development Authority, V
3. The Under Secretary Deptt. of Industries Bihar at New Secretariat, Patna.
4. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maida

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nazir Alam, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 18-11-2024 The present MJC application is filed to recall the order dated 18.05.2018 passed in Civil Review No. 72 of 2018. Copy of the same has not been placed on record along with MJC for restoration. In the absence of such document, it is impracticable to decide the present MJC application.

2. Accordingly, present MJC application stands dismissed with cost of Rs. 2,000/- (Rupees Two Thousand). Cost shall be remitted in the Patna High Court Legal Services Committee within a period of four weeks reserving liberty to the



petitioner to file fresh MJC application for restoration along with copy of the order dated 18.05.2018 passed in Civil Review No. 72 of 2018 within a period of eight weeks.

3. Learned counsel for the petitioner mentioned in the afternoon session that he has produced copy of the order dated 18.05.2018 passed in Civil Review No. 72 of 2018 and it is on record. We have perused the office objection in the present MJC No. 4297 of 2018. One of the objection is for want of certified copy of the order dated 18.05.2018 passed in Civil Review No. 72 of 2018, is not forthcoming. In this regard, while complying the office objection, it was bounden duty of the petitioner to file an interlocutory application in producing certified copy of the order dated 18.05.2018. On the other hand, he has simply produced copy of the order which is unknown to the procedure.

4. Basic and fundamental principle is that if petitioner fails to produce any document at the time of filing petition, in that event, he is permitted to file document by means of supporting application and affidavit. Simply he cannot enclose a document and it is not at all marked as annexure to the MJC. This type of practice is deprecated, therefore, submission of the learned counsel for the petitioner that he has produced copy of the order dated 18.05.2018 at later stage cannot be acceptable in



view of absence of such document is marked as additional document or production of document while marking as a particular annexure. Hence, the aforementioned order during the morning session holds good.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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