

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P No. 921 of 2023

Hadisha Khatoon (Since deceased)

- 1.Sabiha Khatoon
- 2.Rabiya Khatoon
- 3.Saleha Khatoon
- 4.Sufiya Khatoon

... .. **Proposed Petitioners/Legal heirs of
deceased petitioner**

Versus

- 1.The General Manager, East Central Railway, Hazipur, Bihar
- 2.The Divisional Railway Manager, East Central Railway,
Dhanbad.
- 3.The Senior Divisional Personnel Officer, East Central
Railway, Dhanbad.
- 4.Jaslin Hena

... .. **Respondents/Opp. Parties**

CORAM :HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE NAVNEET KUMAR

For the Petitioners : Mr. P.K. Mukhopadhyay, Advocate

For the Respondents: Mr. Prabhat Kr. Sinha, Advocate

Order No. 04 : Dated 2nd January, 2024

1. The instant application has been listed under the heading for 'Orders (with defect) with the office note that defect no. 4 still exists, which says that since the sole petitioner of the writ petitioner has died and petitioner no. 1 to 4 of the memo of instant petition being the legal heirs of deceased-petitioner, hence proper steps for substitution be taken.

2. It has been submitted that the writ petitioner has died during pendency of writ petition for which one Interlocutory Application was filed for substitution of legal heirs of writ petitioner, which is pending consideration, but in the meantime, the writ petition stands dismissed for non-

prosecution. Learned counsel for the petitioner has submitted that since the Interlocutory Application is lying pending for consideration in the writ petition, as such defect as pointed out by the office may be ignored and matter may be heard at this stage.

3. Mr. P.K. Sinha, learned counsel for the respondent-railway did not raise objection to the submission made by learned counsel for the petitioners and fairly submitted that so far restoration of writ petition is concerned, he is having no objection so that matter may be heard on merit.

4. With the consent of learned counsel for the parties, the matter is taken up at this stage.

5. The instant Civil Miscellaneous Petition has been filed for restoration of W.P.(S) No. 2561 of 2019, which stood dismissed for non-prosecution vide order dated 01.05.2023.

6. Learned counsel for the petitioner has submitted that the writ petition being W.P.(S) No. 2561 of 2019, which stood dismissed for non-prosecution of the order dated 01.05.2023, may be restored to its original file otherwise the petitioners may suffer irreparable loss and injury.

7. Mr. P.K. Sinha, learned counsel for the respondent-railway did not raise objection to the prayer made by learned counsel for the petitioner.

8. This Court, having heard the learned counsel for the parties and considering the submissions advanced on their

behalf as also the reason assigned in the instant Civil Miscellaneous Petition, deems it fit and proper to restore the writ petition being W.P.(S) No. 2561 of 2019, which stood dismissed for non-prosecution vide order dated 01.05.2023, to its original file.

9. In view thereof, the writ petition being W.P.(S) No. 2561 of 2019, which stood dismissed for non-prosecution vide order dated 01.05.2023, along with Interlocutory Application is restored to its original file.

10. Accordingly, the instant Civil Miscellaneous Petition stands disposed of.

(Sujit Narayan Prasad, J.)

(Navneet Kumar, J.)