

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.472 of 2025

In
Miscellaneous Jurisdiction Case No.2389 of 2022

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Bishwambhar Purvey Son of Late Gangai Purbey, Resident of Mohalla Ward No. 16, Bhelwa Tola, near Block Jay Nagar, P.S. Jay Nagar, District Madhubani, Proprietor of M/S Rambilas Purbey, Jay Nagar, Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Rural Works Department Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Work Circle Darbhanga.
5. The Executive Engineer, Rural Works Department (W) Division, Jhanjharkpur, Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dudh Nath Singh
For the Opposite Party/s : Mr.Government Pleader 6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-07-2025 1. The present petition has been filed by way of second restoration petition for restoration of a petition bearing M.J.C. No.2389 of 2022/C.W.J.C. No.5839 of 2019, which had stood dismissed for default on account of non-compliance of the peremptory order dated 29.03.2023/25.02.2020.

2. The learned counsel for the petitioner submits that the aforesaid writ petition bearing C.W.J.C. No.5839 of 2019 had stood dismissed for default earlier, on account of non-compliance of the peremptory order dated 25.02.2020, passed therein, whereafter the petitioner had filed a restoration petition bearing



M.J.C. No.2389 of 2022, which was disposed off by an order dated 29.03.2023 and it was directed that the aforesaid writ petition be restored to its original file, however subject to compliance of the peremptory order dated 25.02.2020, passed in the said writ petition within a period of two weeks. The learned counsel for the petitioner submits that on account of certain confusion with regard to the time period granted for removal of defects, the defects could be removed only after the time granted by this Court had expired, hence it is submitted that a sympathetic view be taken and the aforesaid writ petition be restored to its original file.

3. Having regard to the submission made by the learned counsel for the petitioner as also considering the averments made in the present petition, I deem it fit and proper to direct for restoration of the aforesaid writ petition bearing C.W.J.C. No.5839 of 2019 to its original file, however subject to the registry verifying as to whether the peremptory order dated 25.02.2020, passed in the said writ petition has stood complied with or not.

4. Accordingly, the present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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