

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.541 of 2025

In
Civil Writ Jurisdiction Case No.19526 of 2021

=====

Baijnath Kumar aged about 39 years, Male, son of Late Ram Chandra Ram,
resident of village-Sonma, Post Office-Kothiya, Police Station-Didarganj,
District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Public Health Engineering Department, Government of Bihar, Patna
2. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna
3. The Executive Engineer, Public Health Mechanical Division, Patna
4. The Assistant Mechanical Engineer, Public Health Mechanical Sub-Division, Patna East, Patna

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s : Standing Counsel1-11

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-04-2025

Reg:I.A. No. 1 of 2025

In

M.J.C. No. 541 of 2025

The present Interlocutory Application has been filed by one Baijnath Kumar, son and legal heir of the deceased original writ petitioner for grant of leave to prosecute the present petition.

2. The learned counsel for the petitioner has submitted that the original writ petitioner died on 17.06.2023, however, information thereof could



not be given to the learned counsel appearing in the writ petition, hence subsequently the aforesaid writ petition stood dismissed for default by an order dated 13.03.2024. Thereafter, the son of the deceased original writ petitioner had contacted the learned counsel appearing in the present case and upon enquiry, it transpired that the aforesaid writ petition has stood dismissed and during the interregnum period, the writ petitioner had also died.

3. In such view of the matter, the present petition has been filed seeking leave to prosecute the restoration petition bearing MJC No. 541 of 2025.

4. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the averments made in the present application, I deem it fit and appropriate to allow the present application i.e. I.A. No. 1 of 2025 and grant leave to the petitioner herein i.e. Baijnath Kumar, who is



the son and legal heir of the deceased original writ petitioner, to prosecute the restoration petition.

Reg:MJC No. 541 of 2025

5. The present petition has been filed by the son of the deceased original writ petitioner, namely, Late Ram Chandra Ram for restoration of a writ petition bearing C.W.J.C. No. 19526 of 2021, which has stood dismissed for non-prosecution by an order dated 13.03.2024 passed in CWJC No. 19526 of 2021.

6. The learned counsel for the petitioner has submitted that the counsel for the petitioner had fallen ill suddenly and therefore, he could not attend the hearing of the case, when the case was called out for hearing on 13.03.2024, thus, a sympathetic view be taken and the aforesaid petition be restored to its original file.

7. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner as also taking into account the averments made in the present petition, I deem it



fit and appropriate to direct for restoration of the
aforesaid writ petition bearing C.W.J.C. No. 19526
of 2021 to its original file.

8. The present petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

