

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2731 of 2022**

**In**  
**Civil Writ Jurisdiction Case No.2354 of 2007**

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1. Baiju Thakur Son of Late Gonour Thakur
  2. Baidya Nath Thakur, Son of Late Pathal Thakur
  3. Kishore Thakur, @ Kishoree Thakur Son of Late Pathal Thakur
  4. Mahesh Thakur, Son of Late Pathal Thakur
  5. Harihar Shah, Son of Late Paltoo Shah, All are Residents of Village - Moraul, Post Office - Basauli, Police Station - Maniari, Muzaffarpur (West), District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Joint Director, Chakbandi, Muzaffarpur
3. Anandi Rai, Son of Late Sarjug Rai
4. Ramdeo Rai, Son of Late Ram Prasad Rai
5. Ram Narayan Rai, Son of Late Ram Prasad Rai
6. Rajroop Rai, Son of Late Jamun Rai
7. Mahesh Kumar, Son of Late Jagdish Rai
8. Rajesh Kumar, Son of Late Jagdish Rai, All Residents of Village - Moraul, Post Office - Basauli, Police Station - Maniyari, Muzaffarpur (West), District - Muzaffarpur.

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s :     | Mr. Krishna Kant Singh, Advocate |
| For the Opposite Party/s : | Mr. Md. Khurshid Alam, AAG-12    |
|                            | Mr. AC to AAG-12                 |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 9      14-11-2025      1. Heard learned counsel for the petitioners, Mr. Asif Kalim, learned AC to AAG-12 for the State and Mr. Avinash Kumar, learned counsel appearing on behalf of the private respondents.
2. Learned counsel appearing on behalf of the petitioners submits that the instant restoration application has



been filed seeking restoration of C.W.J.C. No. 2354 of 2007 which stood dismissed for default due to non-appearance of the learned counsel by an order dated 17.12.2021.

3. At this stage, learned counsel appearing on behalf of the private respondents submits that private respondents have filed Title Suit No. 1311 of 2024 in the Court of learned Sub-Judge-I, (West), Muzaffarpur in which the petitioners herein and the legal heirs of the deceased-petitioners of C.W.J.C. No. 2354 of 2007 have been impleaded as the defendants. It is further submitted that the dispute appertains to land, as such, no useful purpose would be served by restoring C.W.J.C. No. 2354 of 2007 to its original file. It is next submitted that ultimately the decision in the aforesaid title suit shall bind the parties.

4. Learned counsel appearing on behalf of the petitioners also does not dispute the said submissions of the learned counsel appearing on behalf of the private respondents that ultimately the lis in between the plaintiffs and the defendants of the aforesaid title suit shall be decided in the title suit.

5. After hearing the learned counsel for the parties, the Court finds no merit in the restoration application as it has been specifically submitted by the learned counsel appearing on



behalf of the private respondents that no useful purpose would be served by restoring C.W.J.C. No. 2354 of 2007 to its original file as the lis will now be governed by the decision in the title suit and the said submission of the learned counsel appearing on behalf of the private respondents is also not disputed by the learned counsel appearing on behalf of the petitioners, as such, the restoration application is dismissed.

**(Satyavrat Verma, J)**

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