IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2606 of 2026
In
Civil Writ Jurisdiction Case No.18844 of 2017

CNR No. BRHC010978292026

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Abhinaw Kapoor @ Abhinaw Kumar Son of Gautam Kapoor, Resident of Village / Post- Gonawan, P.S./District- Nawada.

... ... Petitioner

Versus

1. The State of Bihar, Through the Principal Secretary, Backward Class and Extremely Backward Class Welfare Department, Bihar, Patna.
2. The Principal Secretary, Backward Class and Extremely Backward Class Welfare Department, Bihar, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Nawada.
5. The Deputy Development Commissioner, Nawada.
6. The District Welfare Officer, Nawada
7. Mr. Balwant Bahadur Pandey, the District Welfare Officer, Nawada.
8. The Certificate Officer-cum-Sub Divisional Officer, Sadar, District- Nawada.

... ... Opposite Parties

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Appearance :
For the Petitioner : Mr. Sidhendra Narayan Singh, Advocate
For the Opposite Parties : Mr. Sanjeev Kumar Mishra, GP21
: Mr. Binay Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

3 30-10-2026 **1.** Heard the Learned counsel for the petitioner as well as the Learned counsel for the opposite parties.

2. The present Miscellaneous Jurisdiction Case has been filed for restoration of CWJC No. 18844 of 2017 to its original file.

3. This Court passed a detailed oral order

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in CWJC No. 18844 of 2017 on 11.08.2026, which reads as follows:

> *"1. No representation on behalf of the petitioner.*
>
> *2. This Court had passed an oral order on 28.07.2026, which reads as under:*
>
> > *'At the request of the Learned counsel for the petitioner, as a last indulgence, list on 11.08.2026.'*
>
> *4. In spite of the aforesaid indulgence, today also, there is no representation on behalf of the petitioner.*
>
> *5. The Writ petition, therefore, is dismissed for default and for non-prosecution."*

4. It is submitted by the Learned counsel for the petitioner that the aforesaid Writ petition was listed on 11.08.2026 as a last indulgence. However, the Learned counsel for the petitioner could not appear on the said date as his son had undergone a kidney transplant operation, for which the Learned counsel himself was the kidney donor. After the donation, he was advised to take bed rest for at least a few months, due to which he was

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unable to appear before this Court.

5. Taking into consideration the medical difficulty faced by the Learned counsel for the petitioner, this Court takes a liberal view and is of the opinion that the Writ petition deserves to be restored to its original file, as otherwise the petitioner would be the ultimate sufferer.

6. Accordingly, the order dated 11.08.2026 is hereby set aside and CWJC No. 18844 of 2017 is restored to its original file.

7. Therefore, M.J.C. No. 2606 of 2026 is allowed.

(G. Anupama Chakravarthy, J)

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