

SC 23
2.05.2013

IN THE HIGH COURT OF JUDICATURE AT PATNA
(Civil Writ Jurisdiction)

E.M.J.C. No. _____ / Of 2013 (Restoration)
(arising out of CWJC No. 23279/12)

Kiran Kumari And Ors. Petitioners
Vrs.

The State of Bihar & Ors. Respondents

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdiction)

K.M.J.C. No. _____/ Of 2013

(arising out of CWJC No. 23279/12)

In the matter of an applicatiior

Under Article 226 of the

Constitution of India;

And

In the matter of :-

1- Kiran Kumari D/O Sri Randeo Yadav wife of Anmol

Kumar Anal resident of Village- Majheli Bazar,

P.S. Madheli Bazar, Distt- Madhepura.

2- Munni Kumari D/O Raghunandan Yadav Wife of Jai

Prakash Jyoti resident of Village- Chandan Patti,

P.S. Gamaharia, District- Madhepura. ... Petitioners

Vrs.

1- The State of Bihar

2. Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
3. District Magistrate, Madhepura.
4. District Programme Officer, Madhepura.
5. Block Development Officer, Shankarpur, Distt- Madhepura.
6. Block Education Extention Officer, Shankarpur District- Madhepura.
7. Panchayat Secretary, Jirwa Magheli, Panchayat Block Shankarpur, District- Madhepura.
8. Mukhiya, Jirwa Magheli Panchayat Block Shankarpur, District- Madhepura.
9. Headmaster, Rajkiya Kanya Primary School Magheli
Primary School Morkahi
Anchal Shankarpur, District- Madhepura.

3.

To,

The Hon'ble Ms. Justice Rekha. M. Doshit,
the Chief Justice of the High Court of Judicature
Patna and her companion justices of the said
Hon'ble Court.

The humble petition on behalf
of the above named Petitioner

Most Respectfully Sheweth :-

1. That this Restoration petition is being filed by the petitioner for the restoration of the CWJG No. 23279/12 with its original file which is dismissed for default in non prosecution on 4.1.13 by Hon'ble Mr. Justice Vikash Jain.
2. That the petitioner submits that the case was listed under the heading for admission on 4.1.2013 and the case was called out, counsel for the petitioner ^{had not} ~~respondent~~ appeared for the prosecution of the case.

4.

3. That the Hon'ble Mr. Justice Vikash Jain pleased to dismissed the case on 4.1.2013 for the non prosecution.

4. That the reason behind the non prosecutio is that the counsel for the petitioner suffer from ill health and his clerk has not properly mark the cause list. Due to that unavcidable circumstances counsel for the petition has not appeared and Hon'ble Mr. Justice Vikash Jain dismissed the case on non prosecution .

5. That there is no intentional fault or latches on the ^{part} ~~part~~ of the Petitioner.

6. That if the prayer of the petitioner has not ~~be~~ been allowed then the petitioner suffer irreparable loss.

7. That the petitioner has not earlier filed any restoration petition.

It is, therefore prayed that Your Lordshi

may graciously be pleased to allow the

5.

application and restore the CWJC No.

23279/2012 ^{w'd} ~~be~~ _n its original file.

And/Or

Pass such other order/orders as Your

Lordships may deem fitt and proper.

And for this the Petitioner shall ever pray.

6.

Affidavit

I, Gopal ^{Gurman} Verma, Aged about..45..Yrs s/O Late Shiv Shankar
Verma, Resident of Village- Paniyahi P.S. Madhupur
District- Madhupur, do hereby solemnly affirm and
state as follows :-

1. That I am Advocate clerk of the petitioner in this instant case and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this application which have been read over and explained to me in Hindi which I have fully understood the same.