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o/c

IN THE HIGH COURT OF JUDICATURE AT PATNA.

(Civil Miscellaneous Jurisdiction)

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

(Arising out of CWJC No. 2223/2006)

Anil Kumar SinhaPetitioner

Versus

The State of Bihar & Ors.Respondents.

Sub:-Restoration.

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IN THE HIGH COURT OF JUDICATURE AT PATNA.

(Civil Miscellaneous Jurisdiction)

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

(Arising out of CWJC No. 2223/2006)

Filed through:-
Rana Pratap Singh,
Advocate.

A.R.No - 01662
1.8.2013.

In the matter of an application Under
Article 226 of the Constitution of
India;

And.

In the matter of:

Anil Kumar Sinha Son of late Damodar Prasad resident of
Santan Nagar, Gangjala ward No. 17, P.S.+ Distt- Saharsha.

.....Petitioner.

Versus

1. The State of Bihar.
2. District Magistrate, Cum Chairman compassionate

Committee, Madhepura.

3. Commissioner Cum Secretary, Health Department, Govt. of Bihar, Patna Vikash Bhawan, Secretariate, Bailey Road, Patna.

4. Civil Surgeon, Madhepura.Respondents.

To,

The Hon'ble Ms. Justice Rekha. M. Doshit, the Chief Justice of the High Court of Judicature at 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 C.W.J.C. No. 2223/2006 which was pleased to dismissed by Hon'ble Mr. Justice Ramesh Kumar Dutta on 21.1.2009 in non prosecution of the case.

2. That the petitioner submits that reason for dismissed for default in non prosecution of the case stated by the counsel for the petitioner is that due to illness he was not came to court and

his clerk had not properly mark the cause list in that unavoidable circumstances counsel for the petitioner has not appeared and Hon'ble Judge pleased to dismissed the case in non -prosecution.

3. That the counsel for the petitioner has not informed the petitioner about the dismissal of the case in non prosecution.

4. That the petitioner submits that he is working in a private company in Delhi and when he returned from there then he met the counsel, and got knowledge about the dismissal of the case and received the file.

5. That there is no intentional fault or latches on the part of the counsel for the petitioner and petitioner both.

6. That if this restoration petition has not been allowed then the petitioner suffer irreparable loss.

7. That the petitioner pray apology to the in convenience caused to this Hon'ble High Court.

8. That as per the fact and circumstances of the case petitioner deserve sympathy of Hon'ble Court.

It is, therefore, prayed that Your Lordships may graciously be pleased to allow the petition and restore the C.W.J.C.No. 2223 of 2006 with its original file.

And/ Or

Pass such other order/orders as Your Lordships may deem fit and proper.

And for this the Petitioner shall ever pray.

AFFIDAVIT

I, Anil Kumar Sinha aged about 43 Yrs Son of late Damodar Prasad, Resident of Mohalla-Santan Nagar, Gangjala ward No. 17, P.S. + Distt- Saharsa, do hereby solemnly affirm and state as follows:

1-That I am 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.