

SCF
23/3/12

IN THE HIGH COURT OF JUDICATURE AT PATNA,

(Miscellaneous Jurisdiction Case)

M.J.C.No.-_____ of 2012 (Restoration)

(Arising out of C.W.J.C.No.-4319/2011

dismissed on 21.3.2012)

Umakant Jha Petitioner,

Versus

The State of Bihar and ors... Opposite parties.

Sub- Restoration matter.

I N D E X

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Pages.</u>
1.	Petition with Affidavit-	1 to 7

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.

(Miscellaneous Jurisdiction Case).

M. J. C. No. - _____ 2012.

(Arising out of C. M. J. C. No. - 4319/2011 dismissed
on 21.3.2012).

In the matter of an
application Under Article
226 of the constitution
of India,

A N D

In the matter of,

Umakant Jha, son of late Demoder Jha,

resident of village- Singurpur P.O.-Mahua Bazar

P.S.- Uda Kishanganj, District- Madhepura,

.... Petitioner.

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayat Raj Department, Bihar, for Department, Bihar, for.
3. The District Magistrate, Madhepura.
4. The Deputy Development Commissioner, Madhepura.
5. The Sub-Divisional Officer, Uda Kishunganj, Madhepura.
6. The Block Development Officer, Uda Kishunganj, Madhepura.
7. Smt. Shaiva Khatoon Wife of Md. Yasin The Mukhya Gram Panchayat, Nayanagar, Uda Kishunganj, Madhepura.
8. Kumar Sachchidanand son of Not known, retired The Panchayat Secretary, Gram Panchayat Nayanagar, Uda Kishunganj, Madhepura resident of village-

Laxmipur, P.S.-our Bazar, P.O Patraochhat,

District- Behar Respondent.

To,

The Hon'ble Ms. Bekha, Joshi, 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 petitioner
 above named;

Most Respectfully sheweth:-

1. That this application is for
 restoration of C.W.J.C.No.-4319/2011(Umakant Jha
 Versus The State of Bihar and others) which was
 dismissed for non prosecution by the Hon'ble
 Justice Mt. T.Mena Kumari and the Hon'ble
 Mr. Justice Jyoti Saran on 21.3.2012.

3. That C.W.J.C.No.-4319/2011 was listed at Sl.No.-10 Under heading order on 21.3.2012 at 10.30.A.M. the counsel for the petitioner was engaged in another court no.-37 at sl.no. 38 under heading office note in S.A.No.-116/2009 after hearing of this case the counsel for the petitioner reached the court no.-2 C.W.J.C.No.-4319/2011 was called out and dismissed for non prosecution by the Hon'ble Justice Mat. T.amaa Kumari and the Hon'ble Mr. Justice Jyoti Soren on 21.3.2012.

4. That due to engagement of the counsel for the petitioner could not appear to argue this case when it was called out. and then this case has been dismissed for non

prosecution on 21, 3, 2012.

5. That there is no willful latches negligence on the part of the petitioner's counsel in attending the court on 21, 3, 2012.
6. That under the facts and circumstances mentioned above the advocate for the petitioner did not appear in the court on the day when the case was dismissed for non prosecution on 21, 3, 2012.
7. That the petitioner has not filed any restoration application earlier in this matter before the Hon'ble Court.

It is, therefore, prayed
that your Lordships may
graciously be pleased to
allow this petition and

6.

restore C. W. J. C. No. -4319/2011

(Umakant Jha Versus The

State of Bihar & ors. to

its original file

A N D / O R

Pass such any other order

or orders as your Lordships

may deem fit and proper.

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Anant Kumar, aged about 40 years, son of late Ganga Mandal, resident of Shakuntala Niwas Yarpur Patna-1, P. S. - Gardani bagh, District-Patna, do hereby solemnly affirm and state as follows:-

1. That I am counsel for the petitioner in this case and as such am well acquainted with the facts and circumstances of this case.
2. That the contents of this application have been read over to me in Hindi, and have understood the same which are true to my knowledge.