

SC5
6/9/13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Miscellaneous Jurisdiction)

M.J.C.no. of 2013

(Arising out of CWJC No. 15182 of 2008)

Bilash Kumar Petitioner.

Versus

The State of Bihar and orsOpp.parties.

Sub:-Restoration

I N D E X

1. An application with Affidavit

1-7

IN THE HIGH COURT OF JUDICATURE AT PANNA

(Civil Miscellaneous Jurisdiction Case)

(M.J.C.No. of 2013

(Arising out of C.W.J.C No.15182 of 2008)

In the matter of an application

Under Section 151 of the Code

of Civil Procedure

And

In the matter of

Bilash Kumar son of Late Sadanand Yadav,

Resident of Village- Jajhat Sabaila, P.S. Singheshwar

Distt- Madhepura

.Petitioner.

Versus

2. .

1. The State of Bihar
2. The District Magistrate, Madhepura
3. The District Development Commissioner-cum-
Chief Executive Officer, Zila Parishad,

Madhepura.

To

..... Opp. parties.

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 petitioner above
named;

Most Respectfully Sheweth;

1. That this is an application for restoration petition on behalf of the abovenamed petitioner in connection with earlier on 16.8.2013 the writ application it was dismissed for default due to non prosecution on behalf of the counsel for the petitioner by Hon'ble ~~Justice~~ Mr. Justice Rakesh Kumar.

3.

2. That the petitioner/applicant earlier not moved for grant of any restoration application previously before this Hon'ble court in the present matter.

3. That CWJC No.15182/2008 it was listed on 16.8.2013 before Hon'ble Mr. Justice Rakesh Kumar under the heading for Admission III at Serial no.

but when the case it was call out but no one appear on behalf of the counsel of the petitioner ,accordingly the writ petition stands dismissed due to non prosecution.

4. That so far an 8.8.2013 the case ,it was also listed under the heading For Admission III at Serial no. ,but no one appear -on behalf of counsel of the petitioner in which by Hon'ble Mr. Justice be please to put up this in next week then

4.

it was listed on 16.8.2013, but unfortunately no one appeared on behalf of the counsel of the petitioner, accordingly the writ applications it was dismissed due to non prosecution.

5. That while the petitioner/applicant meet with the counsel and asked about the present status of the case then his counsel told him the case has been dismissed for default due to non prosecution because on 16.8.2013 the list it was not marked due to some mistake on the part of petitioner side due to which the application was dismissed for default, but it was not intentionally mistake on the part of the petitioner.

6. That suddenly on 8.8.2013 the case it was not also not marked due to some mistake on the part of petitioner side by which your lordship has been

5.

pleasd to passed an order on 16.8.2013 and the case was dismissed from default due to non prosecution.

7. That the reason about the non prosecution on 16.8.2013 unfortunately the daily cause list it was not marked on the part of the petitioner side. Therefore the petitioner with folded hand made prayer for restoration for original file vide CWJC No. 15182/2008 ,so far in near future the petitioner he will not committed mistake and the petitioner has undertaking that in every date he will be appear alongwith his counsel.

8. That if the case of the petitioner will not heard on the merit of the case then the petitioner will be suffer serious loss.

9. That there is no intentionally laches and mistake on the part of the petitioner's side.

6.

It is, therefore, prayed that your Lordships may graciously be please to allow the restoration application and restore the CWJC No.15182 of 2008 to its original file;

AND/OR

Pass such other order or orders as may deem fit and proper.

And for this the petitioner shall ever pray.

7.

A F F I D A V I T

I, Bilash Kumar aged about 33 years, son of Late Sadanand Yadav, resident of Village-Jajhat Sabalga, P.S. Singheshwar Distt-Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner and am well acquainted with the facts and circumstances of this case.
2. That the contents of this petition have been read over and explained to me in Hindi which is understood and they are true to my knowledge and belief.

Bilash Kumar
29-8-2013