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11/9/13

In the High Court of Judicature at Patna

(Miscellaneous Jurisdiction Case)

M.J.C.No. _____ of 2013

(Arising out of C.W.J.C.No.7613/2012)

Jaikant Poddar -----Petitioner.

Vrs.

The State of Bihar and others----Respondents.

Subject:-Restoration Matter.

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In the High Court of Judicature at Patna

(Miscellaneous Jurisdiction Case)

M.J.C.No. _____ of 2013 (Restoration)

(Arising out of C.W.J.C.No.7613/2012)

In the matter of an application
under Article 226 of the Constitution
of India,

And

In the matter of
Jai Kant Poddar son of Kankir Poddar, resident of Village-
Bhatrandha, P.S.-Ghailar, District-Madhepura.

---Petitioner.

Vrs.

1. The State of Bihar
2. Commissioner-cum-Secretary, Department of Food and Civil
Supply, Bihar, Patna.
3. District Magistrate, Madhepura.

4. District Supply Officer, Madhepura.
5. Sub-Divisional Officer, Madhepura.
6. Assistant District Supply Officer, Madhepura.

----Respondents.

To,

The Hon'ble Ms. 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 petitioner named above;

Most respectfully sheweth:-

1. That this is an application for 'Restoration' of the writ application in connection with C.W.J.C.No.7613/12 (Jai Kant Poddar Vrs.State of Bihar and others) which stood dismissed for default on 07.02.2013 by Hon'ble Mr.Justice Shaillesh Kumar Sinha.
2. That no restoration petition in this respect has earlier been filed in this Hon'ble Patna High Court except the present one.

3. That on 7.2.2013 the instant writ application (C.W.J.C.No.7613/12) was listed for hearing in the Hon'ble Bench of Mr.Justice Shailesh Kumar Sinha under the heading for Admission-II at 10.30 a.m.

4. That it is remarkable to mention here that the said case could not be marked by the office clerk of the counsel for the petitioner on 7.2.2013. Therefore, unfortunately the case stood dismissed for default for non prosecution.

5. That the petitioner will suffer an irreparable loss if the same will not be restored to its original file

It is, therefore, prayed that Your Lordships may graciously be pleased to allow this restoration petition passing order to restore its original file vide C.W.J.C.No.7613/2012.

And for this, the Petitioner shall ever pray.

Affidavit

I, Jaikant Poddar aged about 52 years, son of Late Kankir Poddar, resident of Village-Bhatrandha, P.S.-Ghailar, Distt.-Madhepura, do hereby solemnly affirm and say as follows:-

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

जाकान्त पड्डार