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29/4/14

IN THE HIGH COURT OF JUDICATURE
AT PATNA
[MISCELLANEOUS JUDICIAL CASE JURISDICTION]

M. J. C. No. of 2014

[Arising out of C.W.J.C. No. 12225 of 2008]

Shankar Prasad Sah & Ors.

Petitioners

Versus

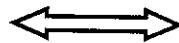
The State of Bihar & Anr.

opposite Parties

S u b: Restoration Matter

INDEX

Sl.	Annexure	Particulars	Pages
1		Main Application under Article 226 of the Constitution of India	1-4



IN THE HIGH COURT OF JUDICATURE
AT PATNA
[MISCELLANEOUS JUDICIAL CASE JURISDICTION]

M. J. C. No. of 2014

[Arising out of C.W.J.C. No. 12225/2008]

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

and

In The Matter Of :

1. Shankar Prasad Shah
2. Shambhu Prasad Sah
3. Sanwar Sah
4. Purushottam Sah
5. Bharat Sah
6. Visheshwar Sah
7. Vishnu Sah

All sons of Late Ram Sevak Sah, Resident of Gaunipur, P.O. &

P.S. Singheshwar, District Madhepura

Petitioners

versus

1. The State of Bihar through the District Collector, Madhepura
2. The Director – Accounts, Administration & Self Employment, District Rural Development Authority, Madhepura

3. The Block Development Officer, Singheshwar, Madhepura
4. The Circle Officer, Singheshwar, Madhepura
5. Badri Kamat son of Late Shri Kamat
6. Dayanand Kamat
7. Devan Kamat
8. Param Lal Kamat
9. Manoj Kamat
10. Nadia Kamat,

All sons of Shri Badri Kamat, Residents of Gauripur, P.S. Singheshwar,

Dist. Madhepura

Opposite Parties

To

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief Justice of the High Court of Judicature at Patna & her Companion Justices of the said Hon'ble Court.

The Humble Petition on behalf of
the Petitioners abovenamed.

MOST RESPECTFULLY SHEWETH :—

1. That the present application is being filed for restoration of C.W.J.C. NO. 12225 of 2008 which stood dismissed for default by order dated 30.07.2013, passed by Hon'ble Mr. Justice Birendra Prasad Verma for non appearance on behalf of the petitioners to press his application inspite of repeated calls.

2. That the Petitioners have not moved earlier before this Hon'ble Court for restoration of the above case.
3. That the petitioners specifically state that the C.W.J.C. No. 12225 of 2008 was listed under the heading "For Admission" on 30.07.2013 but by mistake the same could not be marked in the office cause list and hence the office was ignorant about the fact that the case was on the list and consequently no one appeared to press the application which resulted in dismissal of the application.
4. That the petitioner further humbly states and submits that there is no deliberate and intentional batches on the part of the petitioner.
5. That the petitioners shall suffer irreparable loss and injury in case the above mentioned case is not restored to the original file.
6. That the Petitioners undertake to vigilantly pursue the case in future.
7. That in view of the fact stated herein above it will be in the interest of the justice to allow this application.

It is, therefore, prayed that Your Lordships may graciously be pleased to allow this petition and restore the C.W.J.C. No. 12225 of 2008, to its original file in the interest of justice;

And for this, the Petitioners shall ever pray.

AFFIDAVIT

I, Niranjan Kumar [aged about 39 years] Son of Late Kamleshwari Das Resident of 201, Venkatesh Apartment, Budh Marg P.S. Kotwali District Patna, do hereby solemnly affirm & state as follows:—

1. That I am the Advocate Clerk in this case, and as such fully acquainted with the facts and circumstances of the case.
2. That I have read and understood the contents of this petition/the contents of this petition have been read over/explained and understood by me. The statements made in it are true to my knowledge and belief.