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31/7/13

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.12279 of 2007)

Sadanand Rai and another Petitioners.

Versus

The State of Bihar and others Opposite Parties.

Sub: 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. 12279 of 2007)

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

And

In the matter of

1. Sadanand Rai, son of Late Sukal Rai, resident of village-Ramganj, P.S.-Kumarkhand, District-Madhepura.
2. Pramod Kumar Rai @ Kisto Kumar Rai, son of Sadanand Rai, resident of village-Ramganj, P.S.-Kumarkhand, District-Madhepura.

..... Petitioners.

VERSUS

1. The State of Bihar.

2. The Managing Director, Bihar State Co-operative Land Development Bank, Bhudh Marg, Patna.
3. The Deputy Managing Director, Bihar State Co-operative Land Development Bank/Society, Budh Marg, Patna.
4. The District Manager, Land Development Bank, Madhepura.
5. The District Magistrate, Madhepura.

..... Opposite Parties.

To,

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

The humble restoration petition on behalf of the petitioners above-named;

Most Respectfully Sheweth:-

1. That this is an application for restoration of C.W.J.C. No. 12279/2007 (Sada Nand Rai and another Vs The State of Bihar and others) which was dismissed for

default vide order dated 10.07.2013 passed by Hon'ble Mr. Justice Ajay Kumar Tripathi.

2. That as a matter of fact in the instant case the petitioners handed over fresh Vakalatnama to the conducting lawyer of the present case after getting 'No objection' from concerned lawyer. Unfortunately fresh Vakalatnama could not be filed due to mistake of the conducting lawyer and as such case could not be marked and as a result of which the case stood dismissed for default.
3. That it is humbly submitted that there is no deliberate latches on behalf of the counsel for the petitioners.
4. That the instant case is good on merit and if the case is not restored to its original file, the petitioners may suffer without any fault on their part.
5. That earlier the case was dismissed for default which was restored vide order dated passed in

M.J.C. No. 196/2013 which was filed by the present conducting lawyer.

6. That no such an application has earlier been filed before this Hon'ble Court in this matter.

It is, therefore, prayed that **Your Lordships** may graciously be pleased to allow this application by way of restoring C.W.J.C. No. 12279 of 2007 (Sada Nand Rai and another Vs The State of Bihar and others) to its original file for the ends of justice.

And/or

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

And for this, the petitioners shall ever pray.

AFFIDAVIT

I, Sadanand Rai, aged about 63 years, son of Late Sukal Rai, resident of village-Ramganj, P.S.-Kumarkhand, District-Madhepura; do hereby solemnly affirm and state as follows:-

1. That I am Petitioner No.1 in the instant case and as such am well acquainted with the facts and circumstances of this case.

2. That the contents of this restoration application and have understood the same and the statements made therein are true to my knowledge and belief.