

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2631 of 2012

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Bindeshwar Sahu

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

5 08-07-2015

I.A. No.5260 of 2015

The interlocutory application has been filed for condonation of delay of 8 months and 13 days in filing of the restoration application which has been filed for restoration of L.P.A. No.502 of 2010, which was dismissed by order dated 3.8.2011 on account of non-appearance of learned counsel for the appellant.

The restoration application was filed on 15.05.2012 after a delay of 8 months and 13 days. As per stamp report, the limitation expired on 02.09.2011 and since the application for restoration was filed on 15.05.2012, the aforesaid delay has occurred. Not a single word is mentioned in the limitation petition as to the reason for the delay. On the other hand, it is stated in the limitation petition that due to the laches of the M.J.C. Section, the present restoration application has not been listed for restoration of

the dismissal order dated 03.08.2011.

It may be pointed out that this restoration application was earlier also dismissed for default on 26.06.2014 on account of non-appearance of learned counsel for the petitioner and this Court had noted that as per the Registry's noting dated 24.6.2012, no application seeking condonation of delay has yet been filed by the petitioner.

In the aforesaid view of the matter, considering the repeated laches on the part of learned counsel for the petitioner and thereafter filing an application for condonation of delay without giving any ground or reason for the said delay, and on the other hand, holding the laches of M.J.C. Section as responsible without any rhyme and reason makes the petitioner disentitled for any condonation.

The limitation petition (I.A. No.5260 of 2015) is, accordingly, dismissed. As a consequence, M.J.C. No.2631 of 2012 is also dismissed.

V.P.Sinha/-

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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