

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.102 of 2014

IN

Letters Patent Appeal No. 535 of 2013

With

Interlocutory Application No. 2589 of 2014

- =====
1. The Bihar State Electricity Board Through its Secretary, Bailey Road, Patna
 2. The Bihar State Electricity Board Through its Secretary, Bailey Road, Patna
 3. Financial Controller (Revenue), Bihar State Electricity Board, Patna (Revenue Section), Bailey Road, Patna
 4. Financial Controller (Revenue), Bihar State Electricity Board, Patna (Revenue Section), Bailey Road, Patna
 5. General Manager-Cum-Chief Engineer, Bihar State Electricity Board, Mithila Region, Darbhanga.
 6. General Manager-Cum-Chief Engineer, Bihar State Electricity Board, Mithila Region, Darbhanga.
 7. Electrical Superintending Engineer, Electric Supply Circle, Samastipur
 8. Electrical Superintending Engineer, Electric Supply Circle, Samastipur
 9. Electrical Executive Engineer, Electric Supply Division, Samastipur
 10. Electrical Executive Engineer, Electric Supply Division, Samastipur

.... Petitioners

Versus

1. Dr. B.N. Prasad Son Of Late Baldeo Narayan Resident Of Mohalla-Kashipur, P.O.- and P.S. and District-Samastipur Respondent 1st set
2. The State of Bihar ... Respondent 2nd set

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Giri

For the Respondent/s : Mr. Mukul Sinha

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-02-2015

This Civil Review application is filed with a prayer to review the order dated 27.9.2013 passed by this Court in Letters Patent Appeal No.535 of 2013.

Heard Sri S K Giri, learned counsel for the appellants and Sri Mukul Sinha, learned counsel for the respondents.

This Court dismissed the appeal as withdrawn, obviously on representation made by the learned counsel for the

appellants. In the grounds of review, it is stated that the appellants did not instruct and authorize its counsel to withdraw the appeal. It is also stated that dismissal of the appeal will also have the impact on several other matters.

We are conscious of the fact that the review of an order can be on limited grounds. Incidentally, the order sought to be reviewed is not on merits. Rather it is a simple one, dismissing the appeal as withdrawn. The principal ground urged is to the effect that the appellants did not authorize their counsel Sri Vinay Kirti Singh to withdraw the appeal.

In course of hearing of this review petition, we noticed that the said counsel has chosen to withdraw the appeal when the Bench that heard this case has observed that the appeal deserves to be dismissed with cost, unless it is withdrawn. We do not feel the necessity to further verify the matter which may involve issuance of notice to the former counsel.

Therefore, we allow this application and review the order dated 27.9.2013 by withdrawing it. Letters Patent Appeal No.535 of 2013 shall stand restored to its file.

Interlocutory Application shall stand disposed of.

The Registry shall post LPA No. 535 of 2013 for admission in usual course.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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