

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.50 of 2015

IN

LPA 365 of 2005

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1. Shiv Prasad Singh, S/o Late Parmeshwar Mahto, Resident of Mohalla -
Lakhanpura, Ward No. 23, under Gaya Municipal Corporation P.S. Civil Lines,
District - Gaya

.... Petitioner/s

Versus

1. Sri Bishnulal Bhaiya
2. Sri Keshav Lal Bhaiya, S/o Late Ganesh Lal Bhaiya, Both residents of Mohalla -
Chandchaura, P.S. Civil Lines, Distt. - Gaya
3. The State of Bihar through the Collector, Gaya
4. The Superintendent of Survey Gaya
5. The Assistant Superintendent of Survey, Gaya
6. Smt. Neelam Devi, W/o Jainath Prasad Singh, resident of Mohalla - Dandibagh,
PHED, P.S. Civil Lines, District - Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bal Bhushan Choudhary, Adv.

For the Respondent/s : Mr. KINKAR KUMAR, Adv.
Mr. Mahboob Ashraf, AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

Date: 23-09-2015

Re: I.A. No.2401 of 2015

I.A. No. 2401 of 2015 has been filed by the petitioner,
under Section 5 of the Limitation Act, seeking condonation of delay
of eleven months and three days in preferring the present review
application against the order, dated 10.02.2014, passed in L.P.A.
No.365 of 2005.

Heard Mr. Bal Bhushan Choudhary, learned Counsel,

appearing on behalf of the petitioner, and Mr. Mahboob Ashraf, learned Assistant Counsel to Standing Counsel-27, appearing for the State Respondents.

Having considered the reasons assigned in the present petition seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the petitioner was prevented by sufficient causes from preferring the application within time.

In view of the above, the delay of eleven months and three days, in preferring the review application, is hereby condoned.

I.A. No.2401 of 2015 stands disposed of.

Civil Review No.50 of 2015

Heard Mr. Bal Bhushan Chaudhary, learned Counsel, appearing on behalf of the petitioner, and Mahboob Ashraf, learned Assistant Counsel to learned Standing Counsel-27, appearing on behalf of the State respondents.

By the order, dated 10.02.2014, passed in L.P.A. No.365 of 2005, while dismissing the appeal, the Court observed and held as follows:

“This Appeal under clause 10 of the Letters Patent has been preferred by the respondent nos.4 and 5 in CWJC No.633 of 2002. The respondent no.4-appellant no.1 has filed the Appeal under his name. He also claims to be

the constituted attorney of the appellant no.2 Sahodri Devi. Neither the appellant no.1 produced power of attorney; nor did he disclose that the said Sahodri Devi had died pending the writ petition, a year before the date of filing of Appeal. Although the Appeal was filed by two persons, the appellant no.1 withdrew the same on 5th January, 2007. Again he got it restored under MJC No.448 of 2012. The MJC was filed by the appellant no.1 alone. Neither the appellant no.2 was made party to the MJC; nor the factum of her death was disclosed to the Court.

In our opinion, the appellant no.1 has not approached this Court with clean hands. Appeal is dismissed on this ground alone.

Interlocutory Applications are disposed of.”

We do not find that the petitioner has been able to make out any case warranting review of the order, dated 10.02.2014.

In view of the above and in the interest of justice, review petition stands dismissed.

There shall be no order as to costs.

(I. A. Ansari, ACJ)

(Ashwani Kumar Singh, J)

K.C.jha/-
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