

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.241 of 2014

In
SA 597 of 2010

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Ramanuj Upadhyay son of late Bishwanath Upadhyay resident of village-
Sukarwaliya, P.S. Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. Prahlad Upadhyay son of late Ram Dinesh Upadhyay resident of village- Sukarwaliya, P.S. Itarhi, District- Buxar.
2. Ram Chhabila Upadhyay.
3. Parmhansh Upadhyay Nos 2 and 3 sons of late Bishwanath Upadhyay.
4. Lal Saheb Upadhyay.
5. Umesh Upadhyay.
6. Dhruw Upadhyay Nos 4 to 6 sons of Late Ramadhar Upadhyay.
7. Kalawati Devi wife of late Rama Shankar Upadhyay.
8. Kanchan Devi, daughter of late Rama Shankar Upadhyay Nos 2 to 8 are residents of village Sukarwaliya, P.S. Itarhi, District Buxar.
9. Bimla Devi,, daughter of late Rama Shankar Upadhyay and wife of Chuman Pandey, resident of village Saithu, P.S. Rajpur, District Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hoda
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

5 21-01-2015

Heard the learned counsel for the petitioner.

This interlocutory application (I.A. No. 5904 of 2014)
has been filed for condonation of delay in filing this review
application.

From the office report, it transpires that there is delay

of 165 days for filing this review application which has been filed for review of the judgment and order dated 30.01.2014 passed in S.A. No. 597 of 2010. From the said judgment, it transpires that the learned senior counsel for the appellant had been heard in said appeal under Order 41 Rule 11 C.P.C.

In the condonation petition, it has been stated that the petitioner received the certified copy of the impugned judgment and order on 15.03.2014. It has been further stated that the petitioner is an old person and suffering from back pain and therefore he could come to his counsel on 11.08.2014 at Patna and instructed him to file the present review application which appears to have been filed on 13.08.2014. However, there is no supporting medical paper with the condonation petition to substantiate the illness of the petitioner as claimed. From the order sheet of this review application, it appears that the matter has been adjourned earlier on 03.12.2014 and 24.12.2014 but even thereafter no steps has been taken to file necessary documents to support the grounds made out in the condonation petition.

After considering the averments made in the condonation petition as well as submissions on behalf of the petitioner, this Court is not persuaded to hold that the petitioner was prevented by sufficient cause in filing the review application

within time.

In result, the condonation petition (I.A. No. 5904 of 2014) is rejected. Consequently, the review application is dismissed as barred by limitation.

(V. Nath, J)

Devendra/-

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