

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1565 of 2015

In
Letters Patent Appeal No. 485 of 2012

- =====
1. The State of Bihar
 2. The Secretary, Minor Irrigation Department, Government of Bihar, Patna.
 3. The Secretary, Finance Department, Government of Bihar, Patna.
 4. The Deputy Director, Under Ground Water Irrigation Division, Bhagalpur.

.... Appellants-Petitioner/s

Versus

1. Upendra Kumar Sinha, son of late Ramauter Prasad, resident of village-Kanhaiya Chak, via-Parwatta, Post-Kanhaiya Chak, District-Khagaria.
2. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. Arshad Alam, S.C.-3
Mr. Fakhruddin Ali Ahmad, A.C. to S.C.-3
Mr. Mritunjay Kumar Jha, A.C. to S.C.-3

For the Respondent No.1: Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 21-07-2015

I.A. No.5575 of 2015

This application is filed under Section 5 of the Limitation Act, with a prayer to condone the delay in filing the MJC. It is stated that the fact that the Letters Patent Appeal No.485 of 2012 was dismissed for default on 19.06.2014, was not on notice of the appellants, till the time the contempt case was filed, and soon after the restoration application has been filed.

No counter affidavit is filed by the contesting respondent.

Having regard to the facts and circumstances, we
condone the delay.

Interlocutory application stands disposed of.

MJC No.1565 of 2015

For the same reasons as mentioned in the petition, we
allow the MJC and set aside the order dated 19.06.2014, and
Letters Patent Appeal No.485 of 2012 is restored to its original
file.

(L. Narasimha Reddy, CJ)

(Anjana Mishra, J)

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