

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.151 of 2015

In
LPA 1241 of 2014

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Surendra Kumar & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv.
Mr. Mukesh Kumar Singh, Advocate

For the Respondent/s : Mr. Devendra Kr Sinha, AAG -2
Mr. Alok Kumar Rahi, AC to AAG-2

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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)

2 03-09-2015

I.A. No. 6640 of 2015

The interlocutory application has been filed for condoning the delay of 30 days in filing the appeal.

Upon hearing the learned counsels for the appellants and the respondents, the delay is condoned.

I.A. No. 6640 of 2015 is accordingly, disposed of.

At the outset, the issue of maintainability of the civil review application at the instance of the present petitioners has been raised. Admittedly, the review petitioners were not party to the writ petition being C.W.J.C. No. 4560 of 2007 or the subsequent L.P.A. No. 1241 of 2014. However, their plea is that on account of the law laid down in the said case, the authorities

have started taking action which adversely affects them.

In our view, the same cannot be a plea for maintaining the civil review application at the behest of the petitioners as they were admittedly not necessary parties to the writ petition being C.W.J.C. No. 4560 of 2007 and subsequently in L.P.A. No. 1241 of 2015 filed by the State. Nothing prevented them from coming before this Court directly, claiming whatever relief that was sought by them. Thus, in the said circumstances, they cannot be permitted to file a review application to get the order set aside which has been passed in proceedings in which they were not necessary parties merely, because the law laid down by the said decision may have adverse effect upon them.

In the aforesaid circumstances, we are of the view that the review application is not maintainable at the instance of the petitioners. It is accordingly, dismissed as not maintainable.

(Ramesh Kumar Datta, J)

Jagdish/-

(Anjana Mishra, J)

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