

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.859 of 1980

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Kapildeo Tewari

.... Appellant/s

Versus

Nathuni Pandey & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Satish Chandra Jha
Mr. R.S.Pradhan
Mr. Manoj Kr. 1

For the Respondent/s : Mr. Arun Kr. Singh
Mr. Uma Shankar Singh
Mr. Nawal Kishore Singh
Mr. Ashok Kr.
Mr. Radha Mohna Pandey

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

47 27-09-2016

Perused the office note dated 26.09.2016.

It appears that this fist appeal is barred by law of limitation and also there are two defects. The appellant was directed to remove the defects by order dated 03.05.2016 passed by the Joint Registrar (Judicial). Since the said order was not complied with, the Bench by order dated 14.07.2016 directed the appellant to comply the order dated 03.05.2016 mentioned in detail in the office note dated 13.07.2016 within one month but still today, neither the defects have been removed nor the limitation application has been filed for condoning the delay in filing the delay. The law provides that if the appeal is barred by

law of limitation, then memo of appeal shall accompany with the limitation application under the Order 41 Rule 3(A) but in spite of repeated direction, the appellant is not filing the limitation application nor is removing the defects.

In view of the above, the first appeal is dismissed being barred by law of limitation.

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(Mungeshwar Sahoo, J)