

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14070 of 2016

=====

Tribhuwan Singh, S/o Late Parshuram Singh, resident of Village- Rajmal Pirari, P.S
Rivil Ganj, District- Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar,
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG-3

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-12-2016

Heard parties.

It appears from the order dated 06.03.2013 that 13 dates have been referred on which time petitions were filed by the petitioner. It is not stated that on the aforesaid dates time was not granted by the appellate authority and even then the petitioner remained absent rather it is stated that petitioner remained absent only on 29.05.2012. Though the conduct of the petitioner was not good in filing 13 time petitions but at the same time it is also intriguing as to why and how the appellate authority could have granted so many adjournments to the petitioner and if so many adjournments were granted and, on one of the occasion, the petitioner does not appear then why the appeal should have been dismissed. Even if, it was



dismissed on such ground, why it was not fit to be restored, though application was filed for that purpose is also intriguing.

In my view, the grounds taken by the petitioner in Miscellaneous Case No.173/13 filed for restoration of the appeal were sufficient for explaining non-appearance on one day.

Accordingly, this application stands allowed. The Arms Appeal No.173/2008 is restored. The Commissioner, Saran Division, Chapra is directed to dispose of the appeal on its own merit and in accordance with law within a period of two months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.01.2017
Transmission Date	N.A.

