

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2693 of 2014

In
C. REV. 432 of 2012

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Pramod Kumar Nirala Son of Late Chandeshwar Singh Resident of Village
- Teka Bigha, P.O. Lakhanpur, P.S. Bakhatiyarpur, District - Patna, cum
The Then Chairman of Teja Bigha, Teja Bigha Priary Agricultural Co -
Operative Societies, District - Patna

.... Petitioner/s

Versus

1. That Manager, Indian Farmers Fertilizers, Co-operative Ltd., Lok Nayak Bhawan 6th Floor, Patna - 800001
2. That Area Manager Indian Farmers Co - operative Ltd. Lok Nayak Bhawan, Patna
3. The State of Bihar, through the Secretary Co - Operative Department, Bihar, Patna
4. The Secretary, Co - Operative Department, Bihar, Patna
5. The Registrar, Co - Operative Societies Government of Bihar, Patna null null
6. The Government, Registrar, Co - Operative Societies, Patna Division, Patna
7. The District Magistrate, Patna
8. The District Magistrate, Patna
9. The District Co - Operative Officer, Patna
10. Santosh Kumar, Son of Badri Narayan Singh At Ghosbari, P.A. Bakhtiyarpur, District - Patna

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

3 05-01-2016 Heard learned counsel for the petitioner.

From the statements made in the restoration application as also submitted by learned counsel for the petitioner, it is evident that the reasons stated in the entire petition are tissues of lies, as it is stated that the learned counsel for the petitioner could not

appear on 13.5.2013 because on that day he was suffering from heavy attack of dehydration and loose motion and his condition was not even to move, due to which the case could not be marked in daily cause list and could not be attended when it was called on 13.5.2013.

The order dated 13.5.2013 passed in Civil Review no. 432 of 2012, which is sought to be restored by the present application, recorded the prayer of the learned counsel for the petitioner and directed him to remove defect nos. 1 to 7 of stamp report dated 10.10.2012 in course of the day. By the said order petitioner was further allowed time till 21.6.2013 to file an interlocutory application for condoning the delay in filing the Civil Review petition and certified copy of the impugned judgment, failing which the petition was to stand dismissed without further reference to a Bench.

Thereafter, office has reported that Court's order no. 3 dated 13.5.2013 has not been fully complied with within the time granted by the Bench, i.e., limitation petition has not been filed as per computer and hence, the Civil Review petition stood dismissed on 21.6.2013 by virtue of aforesaid order dated 13.5.2013.

It is evident from the explanation given in the restoration petition that it does not state any fact relating to non-compliance

of the order dated 13.5.2013, rather false statements have been made that due to sudden attack of dehydration/loose motion to the learned counsel for the petitioner, he could not even move whereas he appeared on that day before the court in Civil Review no. 432 of 2012 and made a prayer which has been recorded in the order dated 13.5.2013.

The restoration application is accordingly dismissed.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

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