

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.9 of 2013

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The State Of Bihar through Collector of Nawada

.... Appellant/s

Versus

1. Rajendra Singh S/O Late Chandrika Singh, R/O Present Hardiya, Sector -C, P.O. + P.S. Rajauli, Distt. - Nawada
2. Munshi Singh S/O Late Naurangi Singh, R/O Present Hardiya, Sector - C, P.O. + P.S. Rajauli, Distt. - Nawada

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Gupta, AC to G.P. 10

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

10 22-11-2016 Heard the learned counsel appearing on behalf of the appellant.

Perused the office note dated 19.11.2016/ 21.11.2016.

The present First Appeal has been filed by the State of Bihar through the Collector, Nawada under Section 54 of The Land Acquisition Act, 1894 (in short 'Act, 1894') assailing the validity and correctness of the judgment and award dated 19.7.2012 and 23.7.2012 respectively, passed by the learned 1st Additional District Judge, Nawada in L.A. Case No. 370 of 1985, whereby the claim of compensation raised on behalf of the respondents herein has been enhanced in view of the reference made under Section 18 of the Act, 1894.

The present First Appeal is barred by limitation. Therefore, the appellant filed I.A. No. 8384 of 2013 for condonation of delay in filing the appeal.

By order dated 7.9.2016, notice was issued to the respondent nos. 1 and 2 in limitation matter by ordinary process as

also by registered post, for which requisites etc. were required to be filed within three weeks. The order dated 7.9.2016 was peremptory in nature.

From perusal of the aforesaid office note dated 19.11.2016/ 21.11.2016, it appears that the aforesaid order dated 7.9.2016 passed by a co-ordinate Bench of this Court has not been complied with till date, as a result of which, I.A. No. 8384 of 2013 has stood rejected.

The learned counsel appearing on behalf of the appellant has not disputed the correctness of the aforesaid office note dated 19.11.2016/21.11.2016. He further submits that despite information given, he has not received instructions from the appellant. Therefore, the order dated 7.9.2016 could not be complied with.

In the aforesaid factual matrices and in view of the fact that the limitation petition filed on behalf of the appellant for condonation of delay in filing the appeal has already stood dismissed, the present First Appeal, which is barred by limitation, cannot proceed further.

For the reasons recorded above, the First Appeal has to fail and is, accordingly, dismissed, being barred by limitation. No costs.

(Birendra Prasad Verma, J)

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