

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2311 of 2006

- =====
1. Ram Jatan Singh
 2. Bhagirathi Singh
 3. Kusnath Singh

Sons of Late Sukhraj Singh, all resident of village Karahagar, P.S.
Karahagar, District Rohtas

.... Petitioners

Versus

1. The State of Bihar
2. The Member Board of Revenue
3. The Collector of Rohtas at Sasaram
4. Deputy Land Reforms Collector, Sasaram
5. Gauri Shankar Singh, son of Govind Dayal Singh
6. Narmadeshwar Singh, son of Late Sukharaj Singh, respondents no. 5
and 6 are resident of village Karhagar, P.S. Karahagar, District Rohtas

.... Opp. Parties

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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)

10 26-02-2016 By order dated 26.4.2007 it was directed that the question of limitation shall be considered at the time of admission of the application. However, when the matter was admitted for hearing on 19.9.2007 the application for condonation of delay was not taken up. It is pointed out by learned counsel for the petitioners that the delay is of 20 days.

I.A.880 of 2007 has been filed for condonation of delay of 20 days in filing the restoration application.

In the facts and circumstances of the case, we condone the delay in filing the restoration application.

I.A.No. 880 of 2007 is, accordingly, disposed of.

Heard learned counsel for the petitioners. No one appears for the State or for the opposite party Nos. 5 and 6.

The restoration application has been filed for restoration of MJC No. 861 of 2005 which was dismissed as not pressed on 7.8.2006 as no one had appeared on behalf of the petitioners to press the said application. The said MJC No. 861 of 2005 itself had been filed for restoration of Civil Review No. 61 of 1992 which was dismissed for default on 1.2.2001 for non-compliance of the order dated 11.1.2001 passed by this Court. In the said civil review application this Court by order dated 11.1.2001, after noting that nobody appeared, had granted three weeks' time to take steps for substituted service as pointed out by the office failing which the application was to stand rejected without reference to a Bench.

The civil review application itself was filed for review of the order dated 9.8.1990 passed by this Court in CWJC No. 6452 of 1989. In the said order dated 9.8.1990 this Court noted that the matter was heard by the Bench yesterday also but learned counsel for the respondents was not present in Court and, therefore, the matter was postponed for the next date but even on that day the said counsel was not present in Court nor any counter affidavit had

been filed on behalf of the contesting respondents. The petitioner was one of the contesting respondents in the writ petition.

It is evident from the above conspectus of facts that the petitioners had been all through negligent in pursuing the matter and at this belated stage they seek restoration of another restoration application.

For the aforesaid reasons, we do not consider it a fit case for restoring MJC No. 861 of 2005.

The restoration application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

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