

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.728 of 2016**

**In**  
**C. REV. 374 of 2013**

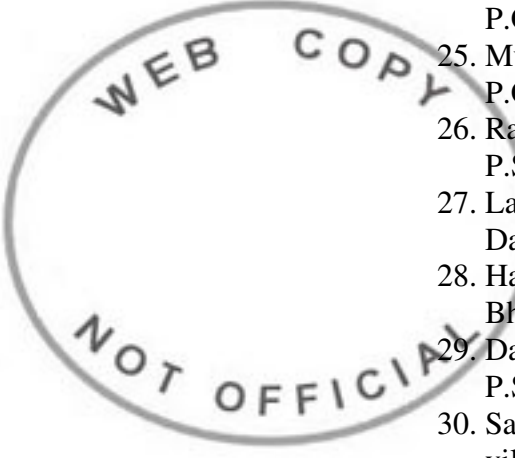
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Kamleshwari Yadav, S/o Sri Bhugeshwar Yadav, resident of village -  
Sonihar, P.S. Alauli, District – Khagaria.

.... .... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Department of Building Construction, Government of Bihar, Patna.
3. The Secretary, Department of Welfare, Government of Bihar, Patna.
4. Bihar State Scheduled Caste Co-operative Development Corporation Ltd., 4th Floor, Biscomaun Tower, Patna.
5. The Administrator, Bihar State Scheduled Caste Co-operative Development Corporation Ltd., 4th Floor, Biscomaun Tower, Patna.
6. The Registrar, Department of Co-operative, Government of Bihar, Patna.
7. Sri Ram Tiwary, Son of Sri Ayodhya Tiwari, resident of village - Nijubara, P.S. Kharia, District – Jamui.
8. Shyam Nandan Singh, Son of Sri Sankar Dayal Singh, resident of village - Babura, P.S. Akbarpura, District - Bhojpur, Arra.
9. Kamlesh Prasad Singh, Son of Sri Bhola Singh, resident of village - Rampur, P.S. Runni Saidpur, District – Sitamarhi.
10. Md. Kabir Hussain, Son of Late Abdul Mazid, resident of village - Sultanpur, P.S. Andar, District – Siwan.
11. Ram Kewal Ram, Son of Late Kashi Paswan, resident of village - Chaupaha, P.S. Ghoshi, District – Jehanabad.
12. Ram Niwas Ram, Son of Sri Harichandra Ram, resident of village - Girdharpur, P.S. Sikraul ( Lakh ), District – Buzar.
13. Laliteshwar Prasad, Son of Garib Prasad, resident of village - Imli Dih, P.S. Alauli, District – Khagaria.
14. Jaiku Hasan, Son of Late Chandee Miyan, resident of Mohalla - Anisabad Alinagar Colony, P.S. Gardanibagh, District – Patna.
15. Md. Hasim Khan, Son of Md. Basir Khan, resident of village - Mahpur, P.S. Pachrukhi, District – Siwan.
16. Rajendra Prasad Yadav, Son of Sri Bahadur Prasad Yadav, resident of village - Kaura, ( Kasaipur ), P.S. Garhpura, District – Begusarai.
17. Satrudhan Mahto, Son of Sri Lal Das Mahto, resident of village - Raghapur, P.S. Jurabanpur, District – Vaishali.
18. Ram Padarath Prasad Singh, Son of Pandit Narain Singh, resident of village - Chaputa, P.S. Hazipur Sadar, District – Vaishali.
19. Arun Kumar Singh, Son of Late Paltu Singh, resident of village - Chaputa, P.S. Hazipur Sadar, District – Vaishali.
20. Ram Chandra Prasad, Son of Late Kailash Prasad, resident of village - Nausahra, P.S. Ghosi, District – Jehanabad.
21. Umesh Prasad, Son of Late Hira Rai, resident of village - Sahpur, P.S. Sahpur, District – Patna.
22. Nandlal Singh, Son of Late Ram Prasad Singh, resident of village - Kasisspur, P.S. Rajapakar, District – Vaishali.

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23. Surendra Prasad, Son of Late Gauri Pah, resident of village - Dahibra Prasad, P.S. and District Buzar.
  24. Ram Binod Dubey, Son of Jagat Kumar Dubey, resident of village and P.O. Rasalpur Chatti, District – Chhapra.
  25. Munarik Prasad, Son of Kesho Prasad, resident of village - Laxmipur, P.O. Deora, District – Jehanabad.
  26. Ram Autar, Son of Sri Dharam Saha, resident of village - Balua Chak, P.S. Parsa, District – Patna.
  27. Lallan Prasad, Son of Late Gope Ram, resident of village - Anrhi, P.S. Dawat, District – Rohtas.
  28. Hari lal Paswan, Son of Late Ramjivan Paswan, resident of village - Bhagwatipur, P.O. Pohiyar, District – Vaishali.
  29. Damodar Kumar, Son of Sri Prabha Sah, resident of village - Jhaichak, P.S. Parsa, District – Patna.
  30. Satyadeo Choudhary, Son of Late Ram Bhajan Choudhary, resident of village - Kharauana ( Jairam ), P.S. Kurhani, District – Muzaffarpur.

.... .... Respondents

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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)**

2      31-03-2016

I.A. No. 1696 of 2016:

The Interlocutory Application has been filed for condoning the delay in filing the restoration application which was filed for restoration of Civil Review No. 374/2013 to its original file which in turn was dismissed for default vide order dated 07.04.2014 due to non-appearance on behalf of the petitioner.

The Civil Review application has been filed for review of the order dated 10.12.2012 passed in L.P.A. No. 1550 of 2012. The L.P.A. itself was taken up for hearing on the limitation petition on 10.12.2012 for condonation of delay of 883 days in

filing the LPA.

This Court vide order dated 10.12.2012 noted that neither the learned Advocate is present nor the appellant has explained the undue delay of more than two years nor does the appeal have any merit. The Court was of the view that the appeal itself has been filed only because in a similar matter the learned Single Judge by order dated 19.07.2011 had disposed of the same with the observation that the appellants may agitate the grievance before the Chief Secretary, and the appellant has approached this Court only feeling encouraged by the said order dated 19.07.2011. This Court further observed that the appellant had failed to make out a cause much less a sufficient cause for the aforesaid delay. In the present matter also, we find that no cause for the delay in filing the restoration application is to be found in the limitation petition except to state that it was in the month of January, 2016 that the petitioner came to know about the dismissal of the Civil Review application. Nothing is stated as to why the petitioner did not take steps to find out about the progress of the Civil Review application in the circumstances when the L.P.A. itself had been filed after a delay of 2 ½ years.

We do not find that any sufficient cause has been shown by the petitioner for restoration of Civil Review No. 374 of

2013.

In the aforesaid circumstances, I.A. No. 1696 of 2016 is dismissed. In view of the dismissal of limitation petition, the restoration application also stands dismissed.

**(Ramesh Kumar Datta, J)**

**(Sudhir Singh, J)**

U.K./-sudip

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