

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.98 of 2014

Arising out of

Civil Review No. 119 of 2011

Arising out of

Civil Writ Jurisdiction Case No. 6559 of 2009

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Indrajeet Kumar, Son of Shri Bijay Kumar, Proprietor of M/S Maa Jagdamba Enterprises, Badi Mathia, Resident- Hospital Road Ara, P.S. Ara Town, District- Bhojpur, Ata- 802301

.... Appellant

Versus

1. The East Central Railway, Through Its General Manager, E.C. Railway, Hazipur
2. The Controller of Stores, East Central Railway, Biscomaun Bhawan, Patna
3. The Chief Material Manager, East Central Railways Hajipur At Vaishali
4. The Deputy Chief Material Manager (Depot), East Central Railway, Samastipur

.... Respondents

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Appearance :

For the Appellant/s : Mr. Amar Nath Sah
with Mrs. Mira Kumari, Advocates

For the Respondent/s : Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2 05-04-2016 The challenge in the present Letters Patent Appeal is to an order dated 10th October, 2012 passed by the learned Single Judge, whereby the Review Application for review of the order dated 27th August, 2009 passed in CWJC No. 6559 of 2009 was

dismissed. Though the appellant has not challenged the order dated 27th August, 2009 in the present Letters Patent Appeal but the appellant has sought to dispute the same by filing an Interlocutory Application (IA No. 6411 of 2015).

We find that an order passed in Civil Writ petition cannot be permitted to dispute by an Interlocutory Application. The question of limitation in filing the appeal and the grounds on which such order could be challenged had to be specifically raised. Therefore, we do not find any merit in I.A. No. 6411 of 2015, whereby the appellant has sought to dispute the impugned order dated 27th August, 2009 in the present appeal.

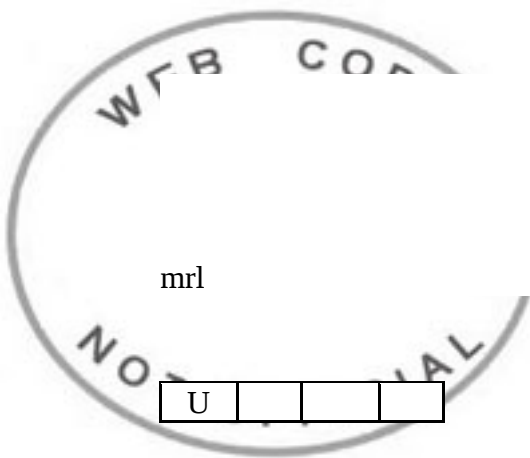
In the Civil Review application, it has been found that the appellant has not deposited the earnest money by 10th March, 2008. Therefore, auction was cancelled and the auction money was forfeited. Regarding forfeiture of the auction money, the learned Single Judge has referred the matter for arbitration to Shri N.C. Lala, a retired District & Sessions Judge vide order under review.

Since the order in review alone is the subject matter of challenge of the present appeal, we do not find that there was any error apparent on record which would warrant any exercise of jurisdiction of this Court in the present appeal.

This appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)



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