

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.442 of 2013

IN

LPA 176 of 2013

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Raj Kishore Pandey, son of Sri Krishan Pandey, Resident of Village Saphi, P.S. Brahmpur, District Buxar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
2. Director, Indigenous Medicine, Department of Health, Government of Bihar, Patna.
3. Principal, Sri Dhanvantari Ayurvedic College, Ahirauli, Buxar.

.... Respondents

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Appearance:

For the Petitioner	:	Mr. Banwari Sharma, Advocate Mr. Saija Nand Sharma, Advocate Mr. Shiv Kumar, Advocate
For the Respondents	:	Mr. Chittranjan Sinha, PAAG 2 Mr. Ranjan Kumar Singh, AC to PAAG 2

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 25-11-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has sought review of the order passed by this Court on 20th of June, 2013 in LPA No. 176 of 2013 when the Court proceeded to decide the appeal when none appeared on behalf of the petitioner in spite of valid service.

3. Learned counsel for the petitioner submits that the notice under ordinary process was received by one Chandra Shekhar

Pandey with whom he has no relationship and that the registered cover was returned un-served and that the concerned post office has sent wrong report that the petitioner has refused the registered notice.

4. We do not find any merit in both the submissions. The summons through ordinary process was received by one Chandra Shekhar Pandey accepting the same on behalf of the petitioner by saying that the petitioner is his '*chacha*' i.e. uncle. The registered notice sent to him carries a report of refusal. It is not disputed that the address on the ordinary process and on the registered envelope is that of the petitioner, therefore, the report of refusal on the registered letter will carry a presumption of correctness so is the service of notice through ordinary process as an adult member of the family can receive notice on behalf of members of the family.

5. In view of the said fact, we do not find any patent error in the order passed by the Division Bench, which may warrant review of the order. The review application is accordingly dismissed.

(Hemant Gupta, ACJ)

Chandran/Ibrar

(Vikash Jain, J)

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