

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3219 of 2015

In
LPA 1290 of 1999

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Asghar Imam son of Late Khurshid Imam Resident of Mohalla - Maroofganj, P.S. - Kotwali, District - Gaya at present resident of Murbad, P.S. + District - Thane (Maharashtra).

.... Petitioner/s

Versus

1. The State of Bihar
2. Additional Collector, Gaya.
3. Sub-divisional Officer, Sherghati (Gaya).
4. Deputy Collector Land Reforms, Sherghati (Gaya).
5. Bibi Khairunnisa Wife of Late Rashid Ahmad
6. Suresh Singh Son of Late Sri Mungeshwar Singh
7. Smt. Prema Devi Wife of Late Rampati Yadav
8. Lalmuni Devi Wife of Sri Musafir Yadav
9. Radhey Dusadh Son of Late Bipat Dusadh All (5 to 9) are resident of Village - Babhandih, P.O. - Dariora, P.S.- Amas, District - Gaya.
10. Smt. Manawara Khatoon Wife of Khurshid Imam
11. Humaria Khatoon D/o- Late Wajih Ahmad
12. Arshad Imam Son of Khursheed Imam
13. Akbar Imam Son of Khursheed Imam null
14. Tarannum Khatoon D/o- Khursheed Imam All (10 to 14) are resident of village - Babhandih, P.O. - Dariora, P.S. - Amas, District - Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha
For the State : Mr. Narendra Kumar Singh, A.C. to G.P.2
For the Opposite Parties : Md. Abu Haider
Md. Abu Shajar

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2 10-03-2016 The application is for restoration of the Letters Patent Appeal, which stood dismissed in default on 05.10.2009 due to non-compliance of the peremptory order dated 04.09.2009. Though there is delay on the part of the petitioner to comply with

the peremptory order but keeping in view the fact that L.P.A. No.1325 of 1999 was filed against the same impugned order, as in the present appeal, we deem it appropriate to recall the order dated 05.10.2009 and restore L.P.A. No.1290 of 1999 to its original file.

The restoration application is, accordingly, allowed.

The present appeal (L.P.A. No.1290/1999) has been preferred against the order of the learned single Judge passed in C.W.J.C. No.3859 of 1989 on 13th September, 1999. The said order was also challenged in L.P.A. No.1325 of 1999, in which the present appellant was impleaded as respondent No.10. The said L.P.A. was dismissed on 19th August, 2010.

Since the order passed by the learned single Judge has been affirmed by a Division Bench of this Court, we do not find any ground to interfere in the order passed by the learned single Judge.

The present appeal is also dismissed in view of the reasons as recorded in L.P.A. No. 1325 of 1999.

(Hemant Gupta, J)

V.P.Sinha/-

(Ramesh Kumar Datta, J)

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