

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.443 of 2013
Arising out of
Letters Patent Appeal No. 812 of 2012
Arising out of
Civil Writ Jurisdiction Case No.14590 of 2011
Along with
Interlocutory Application No.7956 of 2013

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Mani Bhushan Kumar, son of Sri Lallan Kumar Shukla, resident of Village-Jalalpur, P.S.-Lalganj, District-Vaishali.

.... Respondent No.4-Appellant-Petitioner
Versus

1. The State of Bihar through its Secretary, Department of Transport, Bihar, Patna.
2. The Chairman, State Transport Appellate Tribunal, Bihar, Old Secretariat, Patna.
3. State Transport Authority, Bihar through its Secretary, Bisheshwaraiya Bhawan, Baily Road, Patna.

.... Respondents- Respondents-Opposite Parties

4. Subbhas Chandra, son of Sri Dina Nath Jaiswal, resident of Near Bus Stand, Purnea, N. H.-31, P.S.- K. Hat, District-Purnea.

.... ... Writ Petitioner-Respondent-Opposite Party

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Appearance :

For the applicant : Mr. Badri Narayan Singh, Advocate
Mr. Randhir Kumar Singh, Advocate

For the Respondents-State : Mr. Anil Kumar Sinha, G.A.-1
Ms. Aditi Hansaria, A.C. to G.A-1

For the Respondent No.4 : Mr. Sunil Kumar Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

C.A.V. JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-07-2016

Re.: Interlocutory Application No.7956 of 2013

The application is for condonation of delay of 1 year, 1 month and 24 days in filing of the present Civil Review application.

For the reasons mentioned in the application, we find that

sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Civil Review application.

Interlocutory Application stands allowed accordingly.

Re.: Civil Review No.443 of 2013

The present application is to seek review of the order passed by a Division Bench of this Court on 8th of August, 2012, whereby, the Letters Patent Appeal filed by the appellant was dismissed for the reason that the permit was granted to a dead person and, therefore, the appellant, the legal heir of the deceased, cannot claim right of inheritance to succeed to the permit.

Learned counsel for the applicant relies upon a Supreme Court judgment in the case of Mst. Dhani Devi Versus Sant Bihari Sharma and others, AIR 1970 SC 759 to contend that in case of death of the applicant before the final disposal of his application for the grant of a permit, the Regional Transport Authority has power to substitute the person succeeding to the possession of the vehicles in place of the deceased applicant.

The said judgment, *prima facie*, supports the argument of the applicant. Since the said judgment was not brought to the notice of the Court, we deem it appropriate to recall the order dated 8th of August, 2012 and restore the Letters Patent Appeal to its

original number.

Consequently, the Civil Review application is allowed.

Let the Letters Patent Appeal be posted for hearing.

(Hemant Gupta, J.)

Ahsanuddin Amanullah, J. I agree.

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
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