

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.4 of 2017

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Santosh Kumar Singh Son of Shri Satyanarayan Singh Resident of Village - Katma,
Police Station - Manigachhi, District - Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Public Works Department, Ground Floor, Principal Secretariat (Old Secretariat, South Side), Patna.
2. The Chief Engineer, Local Area Engineering Organization, Vishweshwaraiya Bhawan, 4th Floor, Bailey Road, Patna.
3. The Superintending Engineer, Local Area Engineering Organization, Darbhanga Division (Work Division - 01), Darbhanga (in the premises of office of the Commissioner).
4. The Executive Engineer, Local Area Engineering Organization, Darbhanga Division (Work Division - 01), Darbhanga (in campus of Vikash Bhawan).

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Respondent/s : Mr. ANJANI KUMAR (AAG 4)

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-04-2017

Heard the learned counsel for the petitioner in the interlocutory application (I.A.No.2756/2017) which has been filed for condonation of 88 days delay in filing this revision application.

The learned counsel for the petitioner has submitted that though the site for the work to be done was made available to the petitioner on 09.07.2013 but has also accepted that by order dated 30.07.2013, this Court, in another proceeding, had stopped the construction. The learned counsel for the petitioner has submitted that the petitioner had completed the work in part and



therefore had made the claim only to that extent which has been turned down by the Tribunal. Explaining the delay on this base that the petitioner's case has got merit, it has been further contended by referring to the averments made in the interlocutory application that the grandfather of the petitioner was ill and therefore the petitioner remained busy in the treatment of his grandfather.

After considering the submissions and the perusal of the averments made in the revision application as well as the petition for condonation of delay, it is evident that there is inordinate delay of 88 days in filing this revision application. There is no averment by the petitioner in the petition for condonation of delay that the petitioner was the only adult member in his family and there was no active member in the family to look after his ailing grandfather. Moreover, the nature of the illness of the grandfather has also not been disclosed nor any medical document in that regard has been brought on record. The explanation has apparently been furnished in a casual manner. This Court, therefore, is not inclined to align with the specious plea on behalf of the petitioner pertaining to the illness of his grandfather. The submission on behalf of the petitioner relating to the merits of the case in order to persuade this Court to come to the conclusion that the petitioner has chance of success and therefore the delay be condoned is equally not sustainable as those submissions have



centered around reappreciation of evidence. The limited jurisdiction of the revisional court can be invoked in a case where the impugned order suffers from error of jurisdiction or material irregularity. For these reasons, this Court holds that no sufficient cause has been established on behalf of the petitioner for condonation of the inordinate delay as prayed.

The interlocutory application is therefore dismissed and consequently the revision application is also dismissed as barred by limitation.

(V. Nath, J)

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