

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1144 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 7403 of 2008

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Gautam Kumar Kejriwal S/o Sri G.L. Kejriwal, Resident of 202, Sri Hari Arcade,
Near Jahaji Kothi, Kadamkuan, P.S.- Kadamkuan, Town and District- Patna.

.... Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Road Construction Department, Government of Bihar, Vishwasaraiya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief-cum-Special Secretary, Road Construction Department, Government of Bihar, Vishwasaraiya Bhawan, Bailey Road, Patna.
3. The Executive Engineer, New Capital Road Division, Road Construction Department, Patna.
4. The Executive Engineer, Patna West Road Division, Road Construction Department, Patna.
5. The Executive Engineer, Patna City Road Division, Road Construction Department, Patna.
6. Tania Construction Ltd., a Company incorporated under the provisions of the Companies Act, 1956 having its Registered office situated 25/27, Netaji Subhas Road, Kolkata 700001 (West Bengal), through its Executive Director, Ramesh Kumar Khaitan, Son of Sri S.N. Khaitan, Resident of GC 92, Salt Lake, Sector 3, P.O. and P.S.- Bidhan Nagar, District- Kolkata (West Bengal).

.... Respondent/s

with

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Letters Patent Appeal No. 1145 of 2017

Arising out of

Miscellaneous Jurisdiction Case No. 2154 of 2011

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Gautam Kumar Kejriwal, S/o Sri G.L. Kejriwal, Resident of 202, Sri Hari Arcade,
Near Jahaji Kothi, Kadamkuan, P.S.- Kadamkuan, Town and District- Patna.

.... Appellant/s

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.... Respondent/s

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Appearance :

For the Appellant/s : Mr. S.D. Sanjay, Sr. Advocate
Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. RAJBALLABH PD. YADAV-AAG11
Mrs. Archana, A.C. to AAG-11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 21-08-2017

Delay of 7 years 295 days in filing of the appeal is



condoned. I.A. No. 5997 of 2017 in L.P.A. No. 1144 of 2017 stands allowed and disposed of.

Having heard learned counsel for the parties at length and on perusing the facts and circumstances of the case, we find that the only prayer made in these appeals is to expunge certain remarks made against the appellant counsel who represented the petitioner Tania Construction Company Ltd. in C.W.J.C. No. 7403 of 2008 with regard to the conduct of the appellant Advocate. It is stated that certain observations made by the learned Writ Court with regard to the conduct of the appellant Advocate be expunged. Learned counsel representing the appellant invited our attention to various circumstances, the case of the counsel, his inexperience at the point of time when the matter was agitated in the year 2008 and expressed his apologies for having done so and indicated that his career would be adversely affected if the remarks are permitted to remain on record.

Taking note of the totality of the circumstances and the facts as have come on record and further considering the fact that there is nothing available on record to indicate that the counsel had deliberately taken the aforesaid action or had been habitually doing so in other cases, interest of justice requires that the apologies submitted by the counsel should be accepted and the remarks expunged.

Keeping in view the aforesaid, we allow these appeals



in part and direct for expunging all the observations and remarks made in the order passed by the Writ Court on 18th of September, 2009 in C.W.J.C. No. 7403 of 2008 against the appellant counsel in question.

With the aforesaid, the appeals stand allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	24.08.2017
Transmission Date	

