

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.284 of 2016

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Surendra Prasad Singh son of late Baleshwar Singh, Resident of village-Lagama,
P.S. Singhia, District-Samastipur.

.... Petitioner/s

Versus

1. Rajib Kumar Singh @ Rajiv Raja Singh, son of late Maheshwar Prasad Singh,
Assistant Teacher, Primary School, Golehopara, Chakradharpur, District West
Singhbhumi, Jharkhand.
2. Anil Kumar Singh son of late Maheshwar Prasad Singh, Residing at Birasa X-
Ray and Madieine P.S. Road Chakradharpur, District-Singhbhumi, Jharkhand.
3. Dr. Sunil Kumar Singh Son of late Maheshwar Prasad Singh, at present
Manager, Sukar Prajanan Prakeshtra Kanke at Ranchi, Jharkhand.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwanath Prasad Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-01-2017

Heard Mr. B.N.P. Singh, learned counsel for the
petitioner.

Learned counsel for the petitioner has made his
submissions in I.A. No. 9093 of 2016 which has been filed for
condonation of delay of 3 years, 3 months and 16 days in filing this
revision application. It has been averred in the aforesaid limitation
petition that the petitioner under the wrong advice filed C.W.J.C. No.
15189 of 2014 before this Court but the said application was



withdrawn on 25.10.2016. During the course of submission, learned counsel has submitted that the aforesaid writ application was filed on 11.08.2014. However, there is no averment or explanation in the limitation petition with regard to the period between 04.05.2013 upto 11.08.2014 when the petitioner filed the aforesaid writ application.

After considering the submissions and materials on record, it is evident that the impugned order was passed on 04.05.2013 allowing the prayer of the defendant-opposite parties under Order 9 Rule 13 C.P.C. setting aside the ex parte decree passed in T.S. No. 48 of 2002 after imposing cost upon the defendant-opposite parties. It is not the case of the petitioner that the order dated 04.05.2013 was passed ex parte rather it has been admitted on behalf of the petitioner that the impugned order dated 04.05.2013 has been passed after hearing the petitioner. There is no explanation on behalf of the petitioner for not taking steps by filing revision application within 90 days as prescribed and even the writ application i.e. C.W.J.C. No. 15189 of 2014 was admittedly filed on 11.08.2014. There is evidently inordinate delay in filing this revision application which has remained unexplained. This Court finds that the petitioner has failed to establish sufficient reason for condonation of delay in filing this revision application.

The interlocution application is, accordingly, dismissed.



This revision application is also dismissed as barred by
limitation.

Devendra/-

(V. Nath, J)

AFR/NAFR	
CAV DATE	
Uploading Date	20.01.2017
Transmission Date	

