

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.60 of 2014

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1. Kurban Ali, Son of Late Karamuddin, Resident of Village-Zafarabad, P.S.-Desari, District-Vaishali.
 2. Md. Muzeeb Mian, Son of Late Razauddin Mian Resident of Village- Desari, P.S.-Desari, District-Vaishali.

.... Petitioners

Versus

1. The State of Bihar.
2. The District Magistrate, Vaishali.
3. The Additional District Magistrate, Vaishali.
4. The Deputy Collector Land Reforms, Hajipur Incharge.
5. Vijay Kumar Singh @ Vijay Singh.
6. Ajay Kumar Singh @ Ajay Singh.
Both Sons of Late Parshuram Singh Resident of Village-Desarai P.S.-Desarai, District-Vaishali.
7. Dinesh Chaudhary.
8. Umesh Chaudhary.
Both sons of Late Bhagwan Lal Chaudhary Resident of Village-Desari P.S.-Desari, District-Vaishali.
9. Jagatrani Devi Wife of Late Baleshwar Chaudhary.
10. Birendra Prasad Chaudhary.
11. Vinod Chaudhary.
12. Anil Chaudhary.
13. Pramod Chaudhary.
14. Sunil Chaudhary.
15. Sone Lal Chaudhary.
All Sons of Late Baleshwar Chaudhary.
16. Geeta Devi.
17. Meena Devi.
18. Reena Devi.
All daughters of Late Baleshwar Chaudhary.
All residents of Village-Desari, P.S.-Desari, District-Vaishali.
19. Bisheshwar Singh.
20. Jwala Prasad Singh.
21. Binod Prasad Singh.
22. Bishwa Mohan Prasad Singh.
23. Shishu Chandra.
All Sons of Late Jai Narayan Singh.
All residents of Village-Desari, P.S.-Desari, District-Vaishali.
24. Alam Khan.
25. Sagir @ Munmun.
26. Shami Alam @ Tuntun.
All sons of Late Aminul Hasan.
All residents of Village-Desari P.S.-Desari District-Vaishali.
27. Bishwanath Chaudhary.
28. Rahgunath Chaudhary.
29. Rajendra Chaudhary.
30. Nagendra Chaudhary.
All sons of Late Kedar Lal Chaudhary.



- All residents of Village-Desari P.S.-Desari District-Vaishali.
31. Ashok Chaudhary.
32. Sanjay Chaudhary.
33. Raju Chaudhary.
34. Manoj Chaudhary.
35. Ajay Chaudhary.
All Sons of Late Amar Nath Chaudhary.
All Residents of Village-Desari P.S.Desari District-Vaishali.
36. Md. Tauhir.
37. Md. Asgar.
Both sons of Late Md.Hanif Resident of village-Desari P.S.Desari District-Vaishali.
38. Md. Sarif Son of Late Kasim Mian Resident of Village –Desari, P.s.-Desarai, District-Vaishali.
39. Arvind.
40. Satish.
41. Subhash.
42. Sunil.
43. Sudhir.
All sons of Late Lalita Prasad Jaiswal Resident of Village-Desari P.S.Desari, District-Vaishali.
44. Nasiruddin Mian @ Lalu Mian Son of late Miajan Mian, resident of village-Desari, P.S.-Desari, District-Vaishali.
45. Md. Fahim Son of Late Jalil.
46. Rehana daughter of Late Jalil.
47. Moeem.
48. Jahangir.
Both sons of Late Md. Shami.
49. Md.Sabir.
50. Md. Zafer.
Both sons of Late Bashir.
51. Mobina Khatoon.
52. Raushan.
53. Minhaz.
All daughters of Late Bashir.
All residents of village-Desari, P.S.-Desari, District-Vaishali.
54. Ahmad Ali Son of Late Akbar Mian Resident of Village-Desari P.S.-Desari, District-Vaishali. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 14-02-2017

Heard Susmita Mishra, learned counsel
appearing for the petitioners.



The learned counsel for the petitioners has submitted that though the petitioners could not appear before the appellate court below when the impugned order was passed but the appellate court below has committed error of record in ignoring the petition filed by the petitioners earlier in the year 2009 itself for substitution of the heirs and legal representatives of the deceased respondent no.8. It has also been further submitted that the same court has also earlier passed the order for substitution in Miscellaneous Case No.15/1989.

The learned counsel for the petitioners however has accepted that no petition for review or recall of the impugned order was filed before the appellate court below on the ground that the order passed by it suffered from apparent error on face of the record and the appellants were prevented by sufficient cause from not appearing on that date.

After considering the submissions and the facts and circumstances of the case, this revision application is disposed of with liberty to the petitioners to file appropriate petition in accordance with law in the court below itself for review/recall of the impugned order dated 21.11.2013 in view of the submission that the said order proceeded on the basis of the apparent error on face of the record and also on the basis that the petitioners were prevented by sufficient



cause from not appearing on the said date. If such petition is filed, the learned court below is enjoined to dispose of the said petition on its own merits in accordance with law without being prejudiced by this order.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2017
Transmission Date	

