

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2963 of 2016

In
LPA 1527 of 2014

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Manoj Kumar, Son of Ramdeo Sah, resident of Village- Telkap, P.O.-
Amjhour, P.S.- Rohtas, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Health,
Government of Bihar, Patna.
2. The Director-in-Chief, Health Services, Bihar, Patna.
3. The Civil Surgeon cum Chief Medical Officer, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 21-08-2017

This application has been filed for restoration of
Interlocutory Application No.8625 of 2014 which was dismissed
for want of prosecution.

On 25.11.2014, LPA No.1527 of 2014 was listed
for orders. In the said LPA, I.A. No.8625 of 2014 was filed
seeking condonation of delay in filing of the appeal. As none had
appeared when the matter was taken up, I.A. No.8625 of 2014
was dismissed for want of prosecution and consequently holding
that the delay in filing the appeal could not be condoned, the
LPA itself has been dismissed. Once the LPA has been



dismissed on account of the delay after I.A. No.8625 of 2014 was dismissed, this application only for restoration of I.A. No.8625 of 2014 is not maintainable as the LPA itself has been dismissed on account of delay.

That being so, this application being not maintainable for restoration of I.A. No.8625 of 2014, the same is dismissed. However, liberty shall be available to the petitioner for challenging the order seeking restoration of LPA No.1527 of 2014 or review or recall of the order dated 25.11.2014 and thereafter seek condonation of delay.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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