

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.37 of 2016

IN

C.R. 1323 of 2007

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1. Umashankar Prasad , Son of Late Fekan Sah, R/o Station Road, P.o. Lal Bagh, P.S- L.N.M.U. Campus, District Darbhanga.
 2. Asha Devi, Wife of Sri Bharat Prasad Gupta, Risra, District-Hugli, Rail Park, Bari No.15 West Bengal.
 3. Shila Gupta, Wife of Late Lakshmi Prasad Gupta, Panda Sarai, Laheriasarai, Darbhanga.
 4. Shashi Devi, Wife of Sri Shyam Kumar Sah, Near Saraswati High School, Janakpur Dham, Nepal.
 5. Nilam Devi, Wife of Sri Madan Prasad, Subha Chowk, Pupari, Janakpur Road, District-Sitamarhi.
 6. Rani Gupta, Wife of Sri Surendra Prasad Jorhat, Gohati.
 7. Babita Devi, Wife of Sri Parmeshwar Sah, Delhi.
 8. Anjani Gupta, Wife of Sri Anil Sah, Madhepur Bazar, Madhepur, Via-Jhanjharpur, District-Madhubani. Petitioners

Versus

1. Shiv Chandra Mishra S/o Guna Nand Mishra R/o Village: Bajitpur Ps kamtaul, District Darbhanga. At Present Mohalla -Harahi Trace Old Market, Po Lalbagh Ps L.M.N.U. Campus District Darbhanga.
2. The State of Bihar, through the Secretary cum Commissioner revenue and Land reforms Main Sachivalaya, town & District Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Dharendra Narain Mallik

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 01-07-2017

Heard the learned counsel for the petitioners and the learned counsel for the opposite party no.1 to whom the notice was issued in the limitation matter by earlier order dated 30.06.2016.

Mr.Das, learned counsel appearing for the petitioners, at the outset, has pointed that the interlocutory application (I.A.No.1333/2016) has been filed praying for substitution of the



heirs and legal representatives of the deceased sole petitioner who died during the pendency of the present application.

Mr.Rambali Jha, learned counsel appearing for the opposite party no.1 has raised no objection to the said prayer. The opposite party no.2- State of Bihar is not represented.

After considering the submissions and the prayer for substitution as made in I.A.No. 1333/2016, the substitution petition is allowed and the heirs and legal representatives of the deceased sole petitioner are substituted in his place. All the heirs have appeared by filing Vakalatnama.

After considering the submissions on behalf of the parties and the averments made in I.A.No.994/2016, the limitation petition is allowed and the delay in filing this review application is condoned.

Heard the learned counsel for the parties on the merits of the present review application.

Mr.Jha, learned counsel for the opposite party no.1 has fairly accepted that the fact that the suit for eviction filed against the present petitioner is still pending whereas another suit filed against another tenant Manoj Kumar Sinha was in fact decreed on 29.06.2012 and it was C.R.No.1325/2007 filed by Manoj Kumar Sinha which in fact became infructuous after the disposal of the suit.



It has also been accepted on behalf of the opposite party no.1 that by inadvertence the order under review dismissing the C.R.No.1323/2007 as infructuous has been passed.

After considering the submissions and the averments made in the review application, the prayer for review of the order dated 20.02.2015 is allowed and the said order is recalled.

Put up the C.R.No.1323/2007 under the heading “For Hearing” in accordance with law/rules.

(V. Nath, J)

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