

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1424 of 2016

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Binti Devi, wife of Late Sitan Chaudhary, resident of village – Bhagidih ,
P.S. Amdabad, District – Katihar (Bihar)

.... Petitioner/s

Versus

Union of India Through The General Manager N.F. Railway , Guwahati

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhagya Narayan Jha

For the Respondent/s : Mr. Anil Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 02-08-2017

I.A. No. 3092 of 2016

Heard Sri Bhagya Narayan Jha, learned counsel for the petitioner and Sri Anil Singh, learned counsel for the sole opposite party / Union Of India through General Manager, North Frontier Railway on the interlocutory application i.e. I.A. No. 3092 of 2016, which has been filed for condoning delay in filing restoration petition. The restoration petition i.e. M.J.C. No. 1424 of 2016 was filed for restoring Miscellaneous Appeal No. 87 of 2013 . The Miscellaneous Appeal stood dismissed on 14.10.2014 whereas, the restoration petition was filed after delay of 538 days. Learned counsel for the petitioner tried to persuade the court regarding the reasons for filing restoration petition belatedly , however Sri Anil Singh, learned counsel for the opposite party submits that Miscellaneous Appeal was filed one year after receipt of compensation amount as per direction of the Railway



Claims Tribunal. He submits that entire compensation amount was already received by the appellant and one year thereafter the Miscellaneous Appeal was filed ,which stood dismissed due to non- prosecution on 14.10.2014. However, restoration petition was filed after lapse of 538 days. Of -course , learned counsel for the petitioner by way of referring to the facts stated in the limitation petition tried to persuade the court regarding the reasons for delay in filing restoration petition, however after perusing the grounds set forth in the petition, this court is not persuaded to accept the prayer for condoning delay in filing restoration petition. According , the limitation petition stands dismissed and as such, the restoration petition too stands dismissed.

(Rakesh Kumar, J)

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