

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.537 of 2012

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Rameshwar Sanskrit Ucha Vidyalaya

.... Petitioner/s

Versus

Nutan Griha Nirman Samitee & Others

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 16-08-2017

On 17.8.2011 in Civil Revision No.687 of 2007 a

direction was issued by holding that the Civil Revision was not maintainable, only a writ petition under Article 227 of the Constitution is maintainable and liberty was granted to the petitioner to convert the civil revision into a writ petition within four weeks. As within the period of four weeks the order passed was not complied with, the application has been dismissed.

Seeking restoration of the said case, this application was filed on 15.8.2008. Office has pointed out various defects and till date the defects have not been rectified. Today when the matter is taken up learned counsel appearing for the petitioner wants time to rectify the defects. The records of Civil Revision No.687 of 2008 go to show that the revision was filed challenging an order passed on 30th of August, 2007 by which an amendment in the plaint was allowed and the petitioner, who is a



plaintiff in the suit in question, wanted amendment in the plaint. Even though the same was allowed, but as the amendment could not be incorporated due to non-payment of cost, the Civil Revision was filed in the suit in question in Title Appeal No.10/96.

Taking note of all these circumstances, I see no ground to grant restoration. The application is dismissed.

In case the petitioner is interested in Title Appeal, he may file a fresh writ application in accordance with law.

(Rajendra Menon, CJ)

K.C. jha/-

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