

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1230 of 2013
IN
Civil Writ Jurisdiction Case No. 3172 of 2007**

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Most. Munga Devi, W/O Late Jai Shankar Prasad, R/O Village - Nawada, P.O. -
Tilakpur, P.S. - Sultanganj, District - Bhagalpur

.... Appellant

Versus

1. The Union Of India Through Military Secretary, Ministry Of Defence, Government Of India, New Delhi
2. The Record Officer, Record Office Indian Air Force, Subroto Park, New Delhi - 10
3. The Controller Of Defence Accounts, Pension, Allahabad
4. The Controller Of Defence Accounts, Bihar, C.D.A. Building, Rajendra Path, Patna
5. The Pay And Accounts Officer, Central Pension Accounting Officer, Trikoot Ii, Complex, Bhikaji Cama Place, New Delhi - 110066
6. The District Welfare Officer, Army Board, Area, Bhagalpur, Bihar
7. Most. Sunita Devi Wife Of Gorakh Bhagat wrongly mentioned as Widow Of Late Jay Shankar Prasad @ Jay Shankar Prasad Yadav
8. Shipur Kumar Son Of Gorakh Bhagat wrongly mentioned as son of Late Jay Shankar Prasad @ Jay Shankar Prasad Yadav,
9. Anchal Kumari Daughter Of Gorakh Bhagat wrongly mentioned Late Jay Shankar Prasad @ Jay Shankar Prasad Yadav,
10. Kajal Kumari Daughter Of Gorakh Bhagat wrongly mentioned as Late Jay Shankar Prasad @ Jay Shankar Prasad Yadav, respondent no. 7 is representing the respondent nos. 8, 9 and 10, who are minors and under the guardianship of Respondent No. 7 Resident Of Village - Nawada, P.O. - Tilakpur, P.S. - Sultanganj, District - Bhagalpur

.... Respondents

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Appearance :

For the Appellant : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rajesh Kumar, Advocate
For the UOI : Mr. Rajesh Kr. Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 03-02-2017

The delay of three years and 27 days is sought to be explained in I.A. No. 7046 of 2013 on the ground that the appellant is



an illiterate person and she gave power to some pairvikar, who did not take any steps nor did he inform about the same and only when the pension was divided half and half between her and the daughter of the so called second wife that she learnt of the same and filed appeal.

The grounds given or explanation offered does not satisfy this Court to be genuine and valid, therefore, I.A. No. 7046 of 2013 is dismissed. As a consequence thereof, even the appeal is dismissed. Dismissal of the appeal will not come in the way of the appellant taking recourse to law before a Civil Court of competent jurisdiction if she wants to shake off the finding which has emerged in the order of the learned Single Judge about factum of second marriage to be correct.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	
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