

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.108 of 2006

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MOHAMMAD NAYEEMUDDIN

... .. Appellant/s

Versus

SURAJ MAHTO

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. SHREE NIWAS SINGH
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

12 18-08-2017 I. A. No. 4451 of 2015 has been filed, under Section 5 of the Limitation Act, seeking condonation of delay of 857 days in filing the present appeal.

The present appeal appears to have been filed on 09.05.2006, against the judgment and decree, dated 30.09.2003, passed in Title Appeal No. 34 of 1999, by learned Additional District Judge VIII, Patna.

It has been stated by the appellant, in his application seeking condonation of delay, that the appellants had been falsely implicated in a criminal case and he and his family members were arrested, which prevented him from filing the present appeal within time.

No specific date has been mentioned in the application nor there is any averment that the appellant was in custody, which



prevented him from filing the present appeal within time.

I have perused the memo of appeal also. No substantial question of law has been formulated in the memo of appeal.

Learned Counsel for the appellant has not been able to convince this Court that the appeal involves any substantial question of law.

Considering the entire facts and circumstances, and materials on record, I am not inclined to condone the delay of 857 days in preferring the present second appeal.

I. A. No. 4451 of 2015 is accordingly dismissed.

Resultantly, the appeal also stands dismissed.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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