IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3061 of 2016
In
Civil Writ Jurisdiction Case No. 13660 of 2013

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Kadirul Hasan Khan S/o Late Safirul Hasan Khan Resident Of Village- Tariyanti, P.S. & Anchal- Manigachhi, District- Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Darbhanga
3. The Deputy Collector, Land Reforms, Biraul, Darbhanga
4. The Anchal Adhikari, Kusheshwar Asthan (West), Darbhanga
5. Bisheshwar Sah son of Chandra Shekhar Sah
6. Lalit Narayan Sah son of Chandra Shakhar Sah
7. Sukhdeo Sah son of Laxmi Sah
8. Radhe Shyam Sah son of Late Ganga Sah
9. Kailash Sah son of Shiv Kumar Sah
10. Umesh Sah son of Suresh Sah
11. Ramavtar Sah son of Late Ganga Sah

all are resident of Village- Asma, Tola- Sakrina, P.S. and Anchal Kusheshwar Asthan, District- Darbhanga.

.... opposite party/s

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Appearance :
For the Petitioner/s : Mr. Sunil Kumar Singh
For the opposite party/s : AC to SC – 1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 02-03-2017 Heard Sri Sunil Kumar Singh , learned counsel for the petitioner and learned AC to SC No. 1.

The present petition has been filed with a prayer for modification in the order dated 15.12.2015 passed in CWJC No. 13660 of 2013. By the said order in view of the nature of dispute a Bench of this court had disposed of the writ petition granting liberty to the petitioner to approach civil court of competent jurisdiction for the relief sought for in the writ petition. As per the

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order suit was to be filed within a period of three months with certified copy of that order.

Learned counsel for the petitioner submits that since in view of order of this court suit was to be filed against State Government notice under Section 80 C.P.C. was required , and as such, notice was issued and in this view of the matter some delay had occurred but it was filed on 2.6.2016 . However, since it was filed after expiry of three months , the suit is not being entertained.

Considering the facts and circumstances the court is of the opinion that petitioner is having good ground for extension of time. Accordingly , the order dated 15.12.2015 is hereby modified and period of filing of suit in terms of the order dated 15.12.2015 is extended for further three months in view of earlier order. Accordingly, the order dated 15.12.2015 is modified to the extent as indicated above.

(Rakesh Kumar, J)

Praful/-

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