

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.702 of 1987

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STATE THRU.COLLECTOR NAWADAH

... .. Appellant/s

Versus

KAMESHWAR PD. YADAV

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar, AC to GP-10
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-10-2018 Today this appeal has been listed under the heading

for orders to ascertain whether this first appeal is still pending or

it has been disposed of?

During the process of digitilization, this appeal was shown as pending in the digital format whereas during the last several years on physical verification, the corresponding record of this appeal could not be traced out.

It is to be noted here that large number of cases were shown as pending in the digital format whereas on physical verification, it transpires that most of the cases shown pending in the digital format were in fact disposed of.

Mr. Binod Kumar learned AC to GP-10 appearing on behalf of the appellant-State would submit that no such record is available with the State to make any positive statement whether the case is pending or disposed of. However, he submits that in



view of the policy decision of First Appeals preferred by the State in land acquisition matter where the value of the compensation was less than Rs. Five lakhs, all such appeals have been compromised and disposed of. Although, he is not sanguine whether this appeal was compromised or not, but in absence of any document available, he is not in a position to make any statement whether this appeal is pending as yet?

On behalf of the respondents, no one appears to make any statement whether this appeal was compromised or disposed of or not?

In view of the constant physical verification, the court also noticed that most of the cases shown pending in the digital format were disposed of but corresponding correction was not made in the digital format.

In view of the above, the court has reason to believe that the aforesaid case is also disposed of case. However, the aforesaid conclusion of the Court shall not come in the way of the parties in this appeal to file one page affidavit showing that the appeal is still pending and it has not been decided as yet.

In the event, such affidavit is filed by the parties furnishing necessary pleading including memo of appeal and a copy of judgment of the court below, the Registry will



reconstruct the file of this appeal and place the same for hearing before the appropriate Bench within a period of two months from the date of reconstruction of the records of this appeal after filing of such affidavit.

The First Appeal No. 702 of 1987 shall be deemed to be disposed of.

(Anil Kumar Upadhyay, J)

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