

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2658 of 2017

In
First Appeal No. 592 of 1999

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1. Jitendra Kumar Singh, aged about 52 years, S/o Baijnath Singh, resident of Mohalla- Mahabir Asthan, Neel Kanth Bhawan, P.O.- Sasaram Town, P.S.- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Rohtas, Sasaram.
2. The Secretary, Water Resources, Minor Irrigation, Govt. of Bihar, New Secretariat, Patna.
3. The Project Co-ordinator, Tube Well Project, Minor Irrigation, Govt. of Bihar, Visheshwaraiya Bhawan, Patna.
4. The Chief Engineer (South) Tube Well Project, Minor Irrigation Deptt. Govt of Bihar, Shekhpura Police Station, New Secretariat, Patna.
5. The Superintending Engineer, Tube Well Circle, Arrah, District- Bhojpur.
6. The Executive Engineer, Tube Well Construction Division, Sasaram Camp, Dehri-on-Sone, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anup Kumar, Advocvate
For the Respondent/s : Mr. Durgesh Nandan - AAG 14

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-01-2018 I.A. No. 8687 of 2017 has been filed in M.J.C. No. 2658 of 2017 for condoning the delay of three days in filing the M.J.C.

Heard the learned counsel for the petitioner and perused the record. It is submitted that the petitioner is presently residing at Ranchi (Jharkhand) and in coming from Ranchi and further in process of typing and swearing affidavit sometime was consumed resulting the delay in filing the M.J.C, there was no intentional latches in filing the M.J.C. within time and as such, the delay



should be condoned.

Considering the grounds reasonable the delay of three days in filing M.J.C. is hereby condoned and accordingly I.A. No. 8687 of 2017 stands allowed.

The instant M.J.C. has been filed for restoring First Appeal No. 592 of 1999 which was dismissed in default on 03.08.2017 as on call nobody appeared on behalf of the appellant. It is submitted that some important paper concerning the appeal was to be brought by the appellant who is presently residing in Ranchi in the State of Jharkhand, but the said document could not be made available and the counsel of the appellant on call did not turned up as he was otherwise busy resulting, the appeal was dismissed in default. It is submitted that due to not hearing the aforesaid appeal on merit the appellant will sustain irreparable loss.

Considering the ground reasonable and for not appearing on call on 03.08.2017, First Appeal No. 592 of 1999 is hereby restored to its original file and number, accordingly, the instant M.J.C. stands allowed.

(Jitendra Mohan Sharma, J.)

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