

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2857 of 2017

In

LPA 1257 of 2016

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Dinesh Pandey

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Adv.

For the Respondent/s : Mr. P. K. Verma, AAG 3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 12-09-2018

Re: I.A. No. 7416 of 2017

We have heard the parties on the limitation petition as well as on merits.

This application is filed for restoration of L.P.A. No. 1257/2016 which got dismissed for non-compliance of the order dated 25.10.2016 passed on the Letters Patent Appeal whereby the appellant was required to remove the defects within the peremptory period of four weeks.

We have gone through the explanation given in the restoration application and we have also examined the defects pointed out by the office in the Letters Patent Appeal and while recording our satisfaction to the explanation given by the petitioner for condonation of the lapse for removal of the defects,



we also would record that of the four defects pointed out by the office, defect nos. 1, 2 and 3 are frivolous and are accordingly overruled.

In so far as defect no. 4 is concerned, it requires the petitioner-appellant to file a limitation petition because the appeal is belated. These defects need to be removed and we grant the appellant two weeks time for filing a limitation petition.

The peremptory period is extended by two weeks and while overruling the other defects, we uphold defect no. 4. It should be removed within two weeks, failing which this application shall stand rejection without further reference to the Bench.

Should the order be complied, the Letters Patent Appeal be restored to its original file and be posted under the appropriate heading.

The restoration application is allowed, subject to the stipulations above.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Archana/Surendra

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