

IN THE HIGH COURT OF JUDICATURE AT PATNA**Civil Review No.424 of 2016****IN****MA 458 of 2013**

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Ramnandi Devi, wife of Late Raja Ram Mahto, resident of village - Ghagia, P.S. Bihia, District - Bhojpur

.... Petitioner/s

Versus

The Union of India through the General Manager, East Central Railway, Hajipur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar-1-Advocate

For the Respondent/s : Mr. Anil Kumar Sinha-SC

For the Railway : Mr. Ramakant Prasad Varma-Advocate

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**CAV ORDER****Date: 27-06-2018**

Petitioner Ramnandi Devi has asked for review of the judgment dated 26.04.2016 passed in connection with Misc. Appeal No.458 of 2013, whereby and whereunder though the appeal filed by the petitioner/ appellant was allowed, but as stated, no order relating to interest has been passed, which needs to be properly appreciated. Furthermore, I.A. No.8732 of 2016 has been filed for condonation of delay in filing the review petition of three months and four days.

2. Heard the learned counsel for the petitioner. Gone through the contents of the I.A. No.8732 of 2016.

3. From perusal of the record, it is evident that the judgment dated 26.04.2016 was uploaded on website on 28.04.2016. Efforts for getting the certified copy was taken on 26.08.2016 and was delivered on the same day. That means to say, after the statutory



period of 30 days for filing review petition. However, petition has been filed on 22.09.2016. From the contents of the I.A. Petition, more particularly Paras-3, 4 and 5, it is evident that first of all the learned counsel on his own applied for getting certified copy without having been instructed after such long time and then thereafter, he had informed the petitioner by writing a letter of which, there happens to be no supportive evidence.

4. While considering the prayer for condonation of delay, though it should not be rigidly dealt with, but there should be proper gleaning of relevant materials justifying prayer for condonation of delay. From Paras-3, 4, 5 of the I.A. Petition, it is apparent that there was lack of diligence and vigilance, whereupon did not justify the prayer. Moreover, when there happens to be extinguishment of a right by an efflux of time, then in that circumstance, unless and until, it happens to be properly explained, would not be subject to condonation in casual manner. As stated above, it is apparent that petitioner has failed to explain the delay properly, legally and that being so, I.A. No.8732 of 2016 is rejected.

5. Consequent thereupon, instant petition is found barred by law of limitation, whereupon, is rejected.

(Aditya Kumar Trivedi, J)

Vikash/-

AFR/NAFR	A.F.R.
CAV DATE	25.04.2018
Uploading Date	27.06.2018
Transmission Date	N.A.

