

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20634 of 2014

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Raj Kumar Das & Anr.

... .. Petitioners

Versus

Parsadi Das & Ors.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 05-12-2018

This writ application has been filed for quashing the order dated 05.05.2014 passed by the District Judge, Bhagalpur in Title Appeal No.08 of 2013 whereby and whereunder the appeal filed by these petitioners was dismissed as barred by limitation.

2. Heard learned counsel for the petitioners and perused the record.

3. It appears that the respondents filed a Partition Suit No.08 of 1988 against the father of the petitioners for partition of property mentioned in Schedule given at the foot of the plaint. The plaintiffs claimed half share in the suit property. The father of the petitioners appeared and contested the suit. After hearing both sides, the suit was decreed as per judgment dated 28.01.2005. The petitioners who are sons of contesting defendant filed Title



Appeal No.08 of 2013 on 31.01.2013. The lower appellate court finding no satisfactory explanation as regards delay of 2888 days i.e. 7 years 11 months and 3 days in filing the appeal, has dismissed the appeal holding it as barred by limitation. The petitioners instead of filing any appeal against the said dismissal order have challenged the same by filing writ application. Thus, I find that the court below has not committed any jurisdictional error in dismissing the appeal as barred by limitation.

4. This writ application being devoid of merit is dismissed.

(Sanjay Kumar, J)

Harish/-

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CAV DATE	
Uploading Date	07.12.2018
Transmission Date	

