

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.283 of 2018

In

Second Appeal No.73 of 1986

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1. Mahanth Sudama Das, Chele of Late Mahanth Shyamdasi, At, P.O. & P.S. Ghorasahan, District- East Champaran (Motihari), duly appointed Mahanth of Ram Janki Math, At, P.O. & P.S.- Ghorasahan, District- East Champaran (Motihari).
 2. Sri Ram Janki Math & idols instituted in the Math through Mahanth Ramautar Das, Sebayet at P.O. & P.S. Ghorasahan, Dist- East Champaran (Motihari)

... .. Petitioner/s

Versus

1. Krishna Chandra Prasad Gupta, Son of Ganesh Prasad Gupta, Resident of Village- Ghorasahan, Police Station- Ghorasahan, District- East Champaran.
2. Ramdeni Devi, Wife of Krishna Chandra prasad Gupta.
3. Madan Prasad.
4. Vijay Prasad, Sons of Ganesh Prasad
5. Mohan Prasad.
6. Dhananjay Prasad
7. Harendra Prasad

All sons of Krishna Chandra Prasad Gupta.

8. Indra, Daughter of Krishna Chandar Prasad Gupta.

All resident of Village- Ghorasahan, P.S. & P.O. Ghorasahan, District- East Champaran.

9. Bihar State Religious Trust Board, Patna through its Special Officer, Vidyapati Marg, P.S. Kotwali, Dist- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jayram Sharma

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-09-2018 Though the present Second Appeal has been listed with the office notes pointing out certain defects, considering the facts and circumstances, it is being disposed of at this stage itself.

The present petition has been filed seeking review of



an order of this Court dated 17.02.1992, passed in S.A. No. 73 of 1986 (Mahanth Ramawtar Vs. Krishna Chandra Prasad Gupta) which reads thus:-

“Mr. Shashank Kumar states that he has been asked on behalf of Mr. Sunil Kumar Singh to withdraw this appeal. The prayer is allowed and this appeal is permitted to be withdrawn.”

As is evident, this application seeking review has been filed nearly 26 and half years of the passing of the order.

A limitation petition has been filed seeking condonation of delay. It has been stated in the application that the appellant had died on 16.07.1987 itself and, therefore, there was no occasion for the appeal being withdrawn at the instance of learned counsel for the appellant after the death of the appellant. It has been asserted that the present petitioners did not have knowledge about withdrawal of the suit of all the 26 years.

In my view, the application seeking review is frivolous and deserves to be dismissed with costs. The grounds which have been taken in the application for review are not valid grounds for review of the order seeking withdrawal. The statements which have been made in the application for condonation of delay do not at all inspire confidence.



Accordingly, this review application is dismissed with a cost of Rs. 20,000/- to be deposited by the petitioners in the account of Bihar State Legal Services Authority within three months from today.

I.A. No. 6898 of 2018 is also dismissed.

(Chakradhari Sharan Singh, J)

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