

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.362 of 2018

In
Civil Writ Jurisdiction Case No.11051 of 2013

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Premlata Sinha @ Kumari Premlata Sinha, Wife of Late Akhileshwar Prasad,
Resident of Village - Gos Nagar, P.O. Gos Nagar, P.S. Gos Nagar, District -
Nalanda.

... .. Appellant/s

Versus

1. Anugrah Narayan Prasad, Son of Late Kailash Prasad, Resident of Village -
Dhanauli Bigaha, Bye - Pass, P.S. Bena, District - Nalanda
2. Bachchi Devi, Daughter of Rama Mahato, Wife of Prakash Prasad, Resident
of Village - Mahabchak, P.O. Chhatiyana, P.S. Harnaut, District - Nalanda.
3. Pankaj Kumar,
4. Rakesh Kumar Both are Sons of Late Kailash Prasad .
5. Ranjit Singh,
6. Sanjiv Kumar, Both Sons of Late Kameshwar Prasad.
7. Bimala Devi, W/o Late Madhu Sudan Prasad.
8. Rajeev Ranjan Kumar.
9. Shashi Ranjan, both sons of Late Madhu Sudan Prasad, All Residents of
Village - Dhanauli Bigaha, Bye - Pass, P.S. Bena, District - Nalanda.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Pandey, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2018

Re: I.A. No. 2086 of 2018

Heard Shri Awadhesh Kumar Pandey, learned counsel
for the appellant.

2. The affidavit filed in support of this Limitation
Petition discloses sufficient cause for condoning the delay.

3. The application is allowed. The delay stands



condoned and the appeal shall be treated to be within time.

Re: L.P.A. No. 362 of 2018

Heard learned counsel for the appellant.

2. The appeal questions the impugned judgment dated 13th September, 2017 which appears to have been passed in the writ petition before a learned Single Judge exercising jurisdiction under Article 227 of the Constitution of India.

3. Learned counsel for the appellant contends that the trial court had rightly granted permission to sell the property and that the learned Single Judge interfered with the same for no valid justification.

4. We have considered the submissions raised and the appeal cannot succeed on two grounds; firstly that the challenge raised is to an order passed by the learned Single Judge in the exercise of jurisdiction under Article 227 of the Constitution of India and, therefore, a Letters Patent Appeal under Clause 10 of Letters Patent constituting the High Court of Judicature at Patna contained in Appendix E of the Patna High Court Rules would not be maintainable. Even otherwise, in view of the findings recorded, there does not appear to be any reason to infer that the learned Single Judge has travelled beyond his jurisdiction so as to maintain this appeal.



5. Consequently, on both grounds the appeal lacks merit and is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

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CAV DATE	
Uploading Date	12.12.2018
Transmission Date	

