

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1101 of 2018**

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1. M/s Shyama Foundary Works, Barauni Industrial Area, Post Office Tiltrath, Police Station I.C.C. Gate No. 1, District Begusarai.
 2. Ramchandra Prasad son of late Bhikhari Singh Partner M/S Shyama Foundary Works, Barauni Industrial Area, Post Office Tiltrath, Police Station I.C.C. Gate No. 1, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nalanda, Post Office Biharsharif, District Nalanda.
2. The Principal Secretary, Department of Public Health Engineering Department, Vishweshwaraiya Bhavan, Bailey Road, Patna.
3. The Superintending Engineer, Public Health Engineering Department Circle, Shastri Nagar, Patna.
4. The Executive Engineer, Public Health Division, Biharsharif, Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vidya Sagar
For the Respondent/s : Mr. S.Raza Ahmad - Aag5

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-12-2018 Heard both sides.

The petitioners have filed this civil miscellaneous petition against the order dated 12.04.2018 passed by learned District Judge, Nalanda, Biharsharif in Money Appeal No.2 of 2017 by which the learned District Judge admitted the appeal after condoning the delay.

Learned counsel for the petitioners submits that there was delay of more than two years but the petitioners were not heard at the time of condonation of delay. The delay has been condoned without assigning any reason. It is submitted that



ground in limitation petition is false and concocted but it appears that learned District Judge being satisfied with the explanation given in limitation petition condoned the delay and admitted the appeal. Therefore, I do not find any jurisdictional error in the order. Accordingly, this civil miscellaneous petition is dismissed with liberty to the petitioners to raise all these points at the time of argument of the appeal.

(Prabhat Kumar Jha, J)

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