

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.320 of 1990

State Of Bihar Through Special Land Acquisition Officer, Nawadah
... .. Appellant/s

Versus

Ganga Mochi and Ors
... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vivekanand Vivek
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 08-01-2019 None appeared on behalf of appellant.

This appeal has been filed by the State of Bihar against the judgment and decree dated 08.02.1990 passed by Sri Amir Das, District Judge, Nawada in Land Acquisition Case No. 556 of 1986 by which the District Judge, Nawada had determined the value of land of respondent at the rate of Rs. 270/- per decimal, which was acquired by the Special Land Acquisition Officer, Nawada.

Judgment has been delivered on 08.02.1990. The State was required to file the appeal within 90 days from the date of passing of judgment.

The State has filed limitation petition stating therein that the clerk of Standing Counsel had handed over the file to him for drafting the memo of appeal on 25.05.1990. The memo of appeal was drafted on 30.05.1990. On 31st May, 1990, petitioner went outside Patna in the summer vacation and he



kept his file in Almirah. He came back to Patna on 24th June, 1990. Petitioner made vigorous search for the concerned file of Standing Counsel No. III so that the appeal may be filed in this case but it could not be located.

It has further been submitted in the limitation petition that on 04.07.1990 when petitioner was looking into the file, he suddenly located the file of this case which was kept under the same file tagged up together. This appeal has been filed on 06.08.1990 after delay of two months.

Prayer has been made in the limitation petition to condone the delay in filing of appeal.

None has appeared on behalf of appellant to press the limitation petition.

This Court after going through the content of the limitation petition is not satisfied with reason assigned therein. The appellant has not shown any bonafide reason for delay in filing the instant appeal.

Therefore, this appeal is dismissed as barred by limitation at the admission stage itself.

(Sanjay Priya, J)

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