IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1134 of 2019
In
Civil Writ Jurisdiction Case No.12093 of 2017

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1. Bharat Kumar Sultaniya, Son of Sri Badri Ram, Resident of Village- Puraini, Block/Anchal- Puraini, District- Madhepura.
2. Smt. Pinki Devi @ Uma Devi, Wife of Sri Bharat Kumar Sultaniya, Resident of Village- Puraini, Block/ Anchal- Puraini, District- Madhepura.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Revenue Land Reforms Department, Government of Bihar, Patna.
2. The Assistant Inspector General of Registration Koshi Division, Saharsa.
3. The Divisional Commissioner Koshi Davison, Saharsa.
4. The District Magistrate cum Collector Madhepura.
5. The Registrar Registry Office, Madhepura.
6. The Registrar Sub- Registry Office, Udakishunganj, District- Madhepura.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Shekhar Kumar Singh
For the Opposite Party/s : Mr.Pushkar Narain Shahi (Aag6)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-05-2019 The present application has been filed for modification of order dated 01.10.2018 passed in C.W.J.C. No. 12093 of 2017 to the extent of extending the period of filing the appeal before the appellate authority.

The factual matrix of the case is that C.W.J.C. No. 12093 of 2017 was filed for quashing the order dated 16.05.2015, passed by Respondent No.2, Assistant Inspector General, Registration, Koshi Division, Saharsa, in Reference Case No. 05 of 2014, whereby the minor son of the petitioner no.1, Suraj Kumar Sultania @ Kallu, was directed to submit deficit stamp duty to the tune of Rs. 28,800/- along with the penalty to the tune of Rs.2,880/-. Similarly in Reference Case No. 02 of 2014, the minor son of the petitioner no. 1, Suraj Kumar Sultania @ Kallu was directed to submit deficit stamp duty to the tune of Rs.58,740/- along with the penalty to the tune of Rs.5,874/- and in Reference Case No. 03 of 2004, petitioner no. 2 was directed to submit deficit stamp duty to the tune of Rs.59,040/- along with the penalty to the tune of Rs.5,904/-. The said writ application was disposed of with liberty to the petitioners to prefer appeal before the appellate authority.

It is submitted by learned counsel for the petitioners that the appeal could not be filed within the stipulated time since the petitioner was seriously ill and hence, modification has been sought for extending the period of filing the appeal before the appellate authority.

Learned AC to AAG-6 has no objection in extending the period of filing the appeal before the appellate authority.

Considering the grounds mentioned in the modification application and the submission of learned AC to AAG-6, the order dated 01.10.2018 passed in C.W.J.C. No. 12093 of 2017 is modified to the extent that the petitioners are at liberty to prefer appeal before the appellate authority by 24th of May, 2019.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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