

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.238 of 2016

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1. ANITA DEVI, d/o late Maya Devi, & W/o Swami Nath Mahto @ Shambhu Mahto, resident of Mohalla- Mondalpara, Raghunathpur, P.S.-Dhanuki Serampur, Uttarpara, Hooghly, West Bengal and
 2. Sunita Devi, d/o late Maya Devi, w/o Arjun Prasad, r/o village- Khushroopur, P.S.- Khushroopur, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. Sanjay Kumar,
2. Ranjay Kumar, both sons of late Muneshwar Nath and the grandsons of late Kedar Nath and late Parwati Devi,
3. Ratneshwar Nath, son of late Kedar Nath and late Parwati Devi, all resident of Lal Kothi, Mohalla- Kajji (Town Biharsharif) P.S.- Biharsharif, District- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

12/ 29-03-2019

This Review Application has been filed for review of the judgment dated 20.01.1959 passed in First Appeal No.341 of 1951.

A Limitation Petition has also been filed vide I.A. No.3662 of 2016 for condoning the delay in filing the application stating therein that father of the original petitioner died in the year 1953 and mother of the original petitioner died in 1956. The petitioners are illiterate rustic villagers and they had no knowledge about the First Appeal. They were advised by their Advocate on 15.02.2015 to file review petition.

Office has reported that there is delay of 56 years and 6 days in filing the review application.



This Court finds that First Appeal was filed against the judgment and decree dated 16.07.1951 and 26.07.1951 respectively passed in Title Suit No.27 of 1950. Father of the original petitioner was respondent in the aforesaid Title Suit.

From the judgment passed in First Appeal, it appears that at no point of time any objection was raised that Bansi Nonia had died during pendency of the appeal.

Therefore, now, at the stage of review application, this Court cannot consider the submission of the petitioners that her father died in the year 1953 during pendency of the First Appeal.

There is delay of 56 years and 6 days.

Therefore, this Court is not inclined to entertain the review application.

This application is, accordingly, dismissed.

Limitation Petition filed vide I.A. No.3662 of 2016 is also dismissed.

(Sanjay Priya, J)

J. Alam/-

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