

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.887 of 2017

In

Civil Writ Jurisdiction Case No.7338 of 2012

Shakti Rai, Son of Sri Surendra Kumar Sinha, Resident of Village-Neem Chak Bathani, Tola- Gorai Bigha, P.O. Bathani, P.S. Neem Chak Bathani, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Collector, Gaya.
3. The Sub-Divisional Officer, Neem Chak Bathani, Gaya.
4. The Circle Officer, Neem Chak Bathani, Gaya.
5. The Bharat Petroleum Corporation Ltd., Territory Office, Patna.
6. The Territory Manager (L.P.G.), Bharat Petroleum Corporation, Fatuha Industrial Area, Fatuha, Patna.
7. Smt. Priya Gupta, D/o Sri Avind Kumar, W/o Sri Dharmendra Kumar, R/o Biharsharif, P.S. Sohsarai, Distt.-Nalanda.

... .. Respondent/s

with

Miscellaneous Jurisdiction Case No. 5048 of 2018

In

Letters Patent Appeal No.887 of 2017

Shakti Rai, Son of Sri Surendra Kumar Sinha, Resident of Village- Neem Chak Bathani, Tola- Gorai Bigha, P.O. Bathani, P.S. Neem Chak Bathani, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Gaya.
3. The Sub Divisional Officer, Neem Chak Bathani, Gaya.
4. The Circle Officer, Neem Chak Bathani, Gaya.
5. The Bharat Petroleum Corporation Limited Territory Office, Patna.
6. The Territory Manager (L.P.G.) Bharat Petroleum Corporation, Fatuha Industrial Area, Fatuha, Patna.
7. Smt. Priya Gupta, D/o Shri Arvind Kumar, W/o Shri Dharmendra Kumar, R/o Biharsharif, P.S.- Sohsarai, District- Nalanda.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 887 of 2017)

For the Appellant/s : Mr.Rajeev Kumar Singh, Adv.

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

(In Miscellaneous Jurisdiction Case No. 5048 of 2018)

For the Petitioner/s : Mr.Rajeev Kumar Singh, Adv.

For the Respondent/s : Mr. S. Raza Ahmad, AAG- 5



CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

12 02-01-2019 While the Letters Patent Appeal stands rejected as against the respondent no.7 for non-compliance of the peremptory order dated 20.06.2018 whereby the appellant was directed to furnish requisites etc. for service of notice on respondent no.7, MJC No. 5048 of 2018 has been filed for restoration of the appeal as against the respondent no.7 with submission that the requisites have since been filed by the appellant on 18.12.2018.

Mr. Rajeev Kumar Singh, learned counsel appearing on behalf of appellant-petitioner submits that though there has been a lapse on behalf of appellant-petitioner in carrying out the peremptory order but the same has since been carried out, albeit with some delay which may be condoned.

Having heard learned counsel for the parties on the restoration application arising from MJC No.5048 of 2018 and having considered the submissions so advanced, we are persuaded to allow the furnishing of requisites for issuance of notice on respondent no.7 which has since been filed on 18.12.2018 as reported by Mr. Singh and taking note of the



circumstances we would extend the peremptory period as present in the order dated 20.06.2018 until 18.12.2018. Since the requisites have been filed, the appeal would stand restored to its original file as against respondent no.7.

MJC No. 5048 of 2018 is allowed.

Office is directed to issue notice to respondent no.7 and put up the appeal after service of notice/appearance of respondent no.7 or on 13.02.2019 whichever is earlier under the appropriate heading.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Skpathak/Anjula

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