

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1490 of 2018

In

Civil Writ Jurisdiction Case No.20035 of 2013

Archana Devi Wife of Madan Kumar Yadav, Resident of Village-Bela, Police Station-Jainagar, District-Madhubani.

... .. Appellant

Versus

1. The State Of Bihar
2. The District Magistrate, Madhubani.
3. The District Programme Officer, Madhubani.
4. The Child Development Programme Officer, Jainagar, Madhubani.
5. The Mukhiya Gram panchayat Raj, Belhi West, Block-Jainagar, District-Madhubani.
6. The Panchayat Secretary, Gram Panchayat Raj, Belhi West, Block-Jainagar, Madhubani.
7. Rina Devi W/o Bishundeo Choudhary Village-Bela, Gram Panchyat Raj Belhi (West), Sub Division- Jainagar, District- Madhubani

... .. Respondents

Appearance :

For the Appellant/s : Mr.Saroj Kumar

For the Respondent/s : Mr.Gyan Prakash Ojha- Ga7

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

and

HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

5 21-11-2019

I.A. No. 9535 of 2018

Heard learned counsel for the appellant and learned counsel for the State.

This interlocutory application has been filed by the appellant for condonation of delay of 323 days in filing the appeal against the judgment dated 16.10.2017 passed in CWJC No.20035 of 2013.

It is submitted by learned counsel for the appellant



that the judgment was dictated in Court on 16.10.2017 and was pronounced on 18.10.2017. The counsel for the appellant obtained certified copy of the judgment on 01.11.2017. Since the appellant's counsel did not have the contact phone number of the appellant, he could not be informed about the result of the writ petition. Due to the said communication gap, the appellant could not learn about the order under appeal. Subsequently, on 24.09.2018 when the appellant came to Patna and met the counsel, he came to know that the case was dismissed on 16.10.2017. Thereafter, memo of appeal was prepared and filed on 05.10.2018. He has further contended that there is no deliberate delay in filing the appeal and the appeal was filed within 30 days of the knowledge.

Learned counsel for the State and the respondent no.7 do not oppose the application for condonation of delay in filing the appeal.

In the facts and circumstances of the case, the interlocutory application is allowed. The delay in filing the appeal is condoned.

LPA No. 1490 of 2018

After some arguments, learned counsel for the appellant seeks leave to withdraw the present appeal with



liberty to file an application for review of the judgment dated
16.10.2017 passed in CWJC No.20035 of 2013.

Leave is granted. The appeal is disposed of.

(Ashwani Kumar Singh, J)

(Anil Kumar Sinha, J)

Pradeep/-

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