

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.752 of 2018

In
Letters Patent Appeal No.1748 of 2015

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Nutan Kumari W/o Shri Ramesh Prasad Resident of Village Kabaritola,
Hardia, P.O. Gavandri, P.S. Dhaka, District East Champaran.

... .. Petitioner

Versus

1. The State Of Bihar.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare, Govt. of Bihar, Patna.
4. The Director Integrated Child Development Scheme, Bihar, Patna.
5. The Commissioner, Tirhut Division, Muzaffarpur.
6. The District Magistrate, Motihari East Champaran.
7. The District Programme Officer, Motihari, East Champaran.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr.Dhirendra Singh, Advocate
For the Opposite Party : Mr.Gyan Prakash Ojha - GA-7

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

2 07-01-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application has been filed by the
petitioner for restoration of LPA No.1748 of 2015, which was
dismissed for want of prosecution on 07.03.2018.

3. Learned counsel for the petitioner submitted
that on 07.03.2018, he could not appear before the court as he
was suffering from illness. He contended that there is no



deliberate laches on the part of the petitioner and in case the letters patent appeal is not restored, the petitioner would suffer irreparable injury.

4. On perusal of the memo of appeal, we find that the letters patent appeal was filed with limitation petition.

5. It would further appear that prior to 07.03.2018, the case was taken up on 23.01.2017. As no one had appeared on behalf of the appellant on that date too, both the limitation petition and the appeal were dismissed for want of prosecution.

6. Thereafter, a restoration application was filed, which was allowed vide order dated 18.12.2017.

7. Thereafter, vide order dated 27.02.2018, the delay of 108 days caused in filing the appeal was also condoned. Again on 07.03.2018, when the case was taken up, none appeared to press the LPA as a result of which the same was dismissed for want of prosecution.

8. Having noticed the aforesaid facts, we are of the opinion that the petitioner is not diligent in pursuing the appeal. He has casually dealt with her case as a result of which neither the appeal was filed in time nor the same is being contested on merits.



9. In that view of the matter, we are not inclined to restore the LPA to its original file. Accordingly, the restoration application is dismissed.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

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