

IN THE HIGH COURT OF JUDICATURE AT PATNA
iscellaneous Jurisdiction Case No.1471 of 1999

=====

SMT.LALITA DEVI and ORS

... .. Petitioner/s

Versus

KAPLESHWAR CHAUDHARY and ORS

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Bali Jha, Advocate

For the Opposite Party/s : Mr. Ratan Kumar Kumar, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

11 09-12-2021 This is an application for restoration of C.R. No. 947 of 1992 which was dismissed for non-compliance of the peremptory order dated 27.07.1998.

On 23rd of May, 1992, the 1st Additional District Judge, Darbhanga, passed an order in Miscellaneous Appeal No. 29 of 1988. The petitioner's application for recall of the order of dismissal dated 24th of April, 1992 passed in Miscellaneous Appeal No. 29 of 1988 was dismissed.

This Court afforded several opportunities to the petitioner to take steps for substituting the legal heirs of the parties to the instant lis. Lastly such order was passed on 27.7.1998. Undisputedly, steps were not taken, as such, by way of a peremptory order the revision petition (Revision Petition No. 947 of 1992) was dismissed in default.



The instant petition i.e. M.J.C. No. 1471 of 1999 was filed for recall of that order. Even in the instant petition, despite several opportunities afforded by the Court, starting from 27.06.2018 up to 24th of April, 2020, no steps stand taken. As such, this Court is not inclined to allow the application seeking recall of the peremptory order dated 27.7.1998. Evidently, the petitioner has been negligent throughout, right from the lower appellate court up to this Court.

For the reasons aforesaid, present petition stands dismissed.

(Sanjay Karol, CJ)

K.C.Jha/-

U			
---	--	--	--

