

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1122 of 2016

In
Civil Writ Jurisdiction Case No.8324 of 2006

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Binod Paswan Son of Late Gariban Paswan resident of village - Mau, Police
Station Tekari, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate - Cum - Collector, Gaya
3. The Superintendent of Police, Gaya
4. The Sub - Divisional Magistrate, Tekari, Gaya
5. The Deputy Superintendent of Police, Tekari, Gaya
6. The Inspector of Police, Tekari, Gaya
7. The Circle officer, Tekari, Gaya
8. The Officer - in - Charge, Tekari, Gaya
9. Tahlu Paswan Son of Late Shio Brat Paswan resident of village - Man, P.S.
Tekari, District Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : None.
For the Respondent/s : Mr. GP 2- Rajiv Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 17-08-2022 None appears for the appellant.

On 03.08.2022, the following order was passed:-

*“None appears for the
appellant.*

*In order to give one more
opportunity, re-list this matter on
17.08.2022. If there is no
representation on the next date of
hearing, matter would be decided
with the available records.”*



Perused I.A. No. 01 of 2019 in LPA No. 1122 of 2016.

In paras 3 to 7, it is stated as under:-

“3. That the Stamp Reporter reported that the limitation has been expired and there is delay of 1 year 140 days in filing of aforesaid letters patent appeal.

4. That it is humbly stated that the appellant had instructed his previous advocate to get an LPA filed against the order of learned single judge and he has also completed necessary formalities of filing the appeal.

5. That in the month of December 2015, the appellant tried to obtain case number of the LPA which could not provided to him. Thereupon he came to know that LPA has not not been filed by the advocate concerned.

6. That thereafter the appellant received his file along with documents from the advocate concern and handed over the same to the present advocate who drafted and filed this LPA on 10.05.2016.

7. That it is humbly stated and submitted that there is no deliberate latches on the part of appellant in filing the aforesaid appeal and delay in filing is on account of unavoidable circumstances.”

In order to condone delay in filing of appeal of 1 year 140 days sufficient cause has not been shown with reference to dates and events. Merely, it is stated that previous Advocate failed to file LPA and appellant came to know in the month of December, 2015, thereafter, the present appeal is filed in the



month of May, 2016. The appellant has not even mentioned the name of the Advocate who was entrusted LPA and on what date. Further, what action has he taken against the concerned learned counsel who has been entrusted to file LPA and failed to file LPA are not stated to condone delay of one year and 140 days in filing LPA.

Accordingly, I.A. No. 01 of 2019 for condonation of delay stands rejected. In the result, LPA stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

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