

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.224 of 2018

In
Letters Patent Appeal No.970 of 2017

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The State Of Bihar and Ors

... .. Petitioner/s

Versus

Durga Nand Jha and Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar, SC 7
For the Opposite Party/s : Mr.Rajeeva Roy, Advocate
Mr.Gopal Jha, Advocate
Mr.Shree Pal Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

8 18-08-2023 The present civil review petition is to recall the order dated 28.06.2018 passed in LPA No. 970 of 2017.

2. Learned counsel for the petitioner-State submitted that learned Single Judge has committed error in granting interest on the amount as claimed by the petitioner.

3. Perused of the pleadings in the LPA including grounds in support of LPA No. 970 of 2017.

4. The State civil review petitioner have not taken any specific contention that order of the learned Single Judge insofar as payment of interest is illegal and arbitrary. For the first time, such contention is being urged in the civil review petition, and



the same is not maintainable in the light of Order 47 Rule 1 read with Section 114 CPC. Apex Court recently in the case of *S. Murali Sundaram vs. Jothibai Kannan* reported in **2023 SCC OnLine SC 185** elaborately discussed under what circumstances review petition could be entertained by the Court.

5. In the light of these facts and circumstances, read with the cited decision of the Apex Court the review petitioners have not made out a case so as to recall the order dated 28.06.2018 passed in LPA No. 970 of 2017.

6. Accordingly, the civil review petition stands dismissed with a cost of Rs. 10,000/- (Rupees Ten Thousand Only). Cost shall be remitted in the Patna High Court Legal Services Committee within a period of eight weeks' from today.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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