

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.370 of 2018

In
Letters Patent Appeal No.1838 of 2017

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1. Dr. Baijnath Singh and Ors Son of Late Lallan Singh, resident of Village - Rajpur, Post Office Police Station - Rajpur, Via - Nokha, District - Rohtas, presently residing at Hasan Bazar situated in Mauza Kathar, P.O- Piro, District - Bhojpur.
 2. Binod Singh, Son of Late Ramsakal Singh, resident of Village - Ramnagar, Basamanpur, Police Station - Piro, District - Bhojpur, presently residing at Hasan Bazar situated in Mauza - Kathar, Police Station - Piro, District - Rohtas.
 3. Surendra Singh, Son of Late Brahmadeo Singh, resident of Village - Sakari Ramnagar, Basamanpur, District - Bhojpur, presently residing at Hasan Bazar situated in Mauza - Kathar, P.O. - Piro, District – Rohtas.
 4. Raj Kishore Singh, son of Late Madho Singh, resident of village - Hasan Bazar, Mauza- Kathar, P.O- Piro, District - Bhojpur.
 5. Ramjee Singh, Son of Late Radha Mohan Singh, at present residing at Hazan Bazar, Mauza - Kathar, P.O. - Piro, District - Bhojpur.

... .. Petitioner/s

Versus

1. The Union Of India through it's Secretary Railway, Rail Bhawan, New Delhi.
2. Arrah Sasaram Light Railway Company Limited (Involuntary Liquidation) an existing Company having registered office-9, Lal Bazar Street Kilkata-700001.
3. Sri Krishna Singh, Son of Shri Ram Ratan Singh, 106 Ram Lall Mukherjee Lane, Salkia, Police Station - Golbari, Howrah. Presently residing at Hetampur Niwas, Road No. 2, Sheopuri, 243 Patliputra Colony , Patna - 13, at present residing at B - 143 Budha Colony, Patna - 800001.
4. Kedar Nath Fatehpuria, Liquidator, Arrah Sasaram Light Railway Company Ltd. (Involuntary Liquidation) as Existing Company having registered office-9 Lal Bazar Street, Kilkata-700001.
5. The State of Bihar.
6. The Chief Secretary, Government of Bihar, Patna.



7. The Principal Secretary, Department of Home, Patna.
8. The Collector-cum-District Magistrate, Bhojpur at Arrah.
9. The Superintendent of Police, Bhojpur at Arrah.
10. The Inspector of Police, Piro, Bhojpur.
11. Officer-in-Charge, Hasan Bazar Piro, Bhojpur.
12. The General Manager, E.C.R. , Hajipur, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Advocate
For Railway	:	Mr. Naresh Dikshit, Advocate
For the respondent	:	Mr. Rajendar Narayan, Sr. Advocate
For the Opposite Party/s	:	Mr. Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

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

Date : 07-11-2023

Ref: I.A. No. 6634 of 2018

Heard I.A. No. 6634 of 2018 in Civil Review No. 370 of 2018. Though, the application is not in order to the extent that number of days of delay in filing Civil Review No. 370 of 2018 is not forthcoming. One of the ingredients in filing I.A. for condonation of delay is that petitioner or party was required to apprise to the extent of number of days of delay in filing Civil Review petition, which is not forthcoming. In fact, the contesting respondent has raised objection insofar as entertaining I.A. No. 6634 of 2018 in not mentioning the



number of days of delay.

2. Having regard to the fact that the matter is pending for consideration from the year 2018, we are of the view that let the litigants shall not suffer due to mistake or error committed by their counsel. Hence, short delay of about 30 days in filing Civil Review No. 370 of 2018 stands condoned.

3. Accordingly, I.A. No. 6634 of 2018 stands allowed.

4. The present Civil Review is filed for recalling the order dated 25.06.2018 passed in L.P.A. No. 1838 of 2017. The petitioners, who are alleged to have purchased certain landed property, which were stated to be rival claim on behalf of Ara Sasaram Light Railway Company Limited, which is under liquidation. Whatever the relief sought by the review petitioners in C.W.J.C. No. 15163 of 2015, it was not maintainable. Since the petitioners had remedy of filing civil suit or raising any dispute insofar as disposal of disputed landed property after liquidation of Ara Sasaram Light Railway Company Limited. Thus petitioners have not pointed out any error committed by the L.P.A. Bench so as to review the order passed in L.P.A. No. 1838 of 2017.



5. Accordingly, the Civil Review petition stands dismissed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.11.2023
Transmission Date	NA

