

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.531 of 2018

In
Letters Patent Appeal No.820 of 2013

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Renu Sinha, wife of Rai Vijay Kumar Sinha, Resident of Vikasnagar,
Madnani Lane, Mithanpura, Muzaffarpur, P.S. Mithanpura, Muzaffarpur,
Bihar.

... .. Petitioner.

Versus

1. The State of Bihar through the Commissioner, Patna Division, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Deputy Collector, Sadar, Patna.
5. The Circle Officer Sadar, Patna.
6. M/s Anant Homes Pvt. Ltd. through Managing Director Chandra Shekhar Kumar having its office at South Mandiri, P.S.- Buddha Colony, Patna.
7. M/s Mangalam Home (India), Pvt. Ltd through its Director Mr. Sarwar Nazmi, 302 Hafish Palace, Sharif Colony, Patna.
8. The Registrar of the Companies, Bihar and Jharkhand, Maurya Lok, Patna.
9. The Director, Serious Fraud Investigation Office, Ministry of Corporate Affairs, Govt. of India, New Delhi.
10. The Registrar, Department of Registration, Govt. of Bihar, Patna.
11. Subir Kumar S/o Sri Krishna Prasad Singh, Resident of Flat No. of 202, Saraswati Niketan Apt. IAS Colony, Kidwaipuri, P.S.- Kotwali, District- Patna.

... .. Opposite Parties.

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Appearance :

For the Petitioner	:	Mr. Ranjan Kumar Srivastava, Advocate. Mr. Shashwat Srivastava, Advocate.
For the State	:	Mr. Manoj Kumar Ambastha, SC-26. Mr. Santosh Kumar Mishra, AC to SC-26. Mr. Divit Vinod, AC to SC-26.
For the Respondents	:	Mr. Sanjay Kumar, Advocate. Mr. Somnath Bhardwaj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-11-2024

The present Civil Review No.531 of 2018 is arising out



of order dated 10.10.2018 passed in L.P.A. No.632 of 2013, arising out of C.W.J.C. No.7190 of 2012, and analogous cases. Particularly, review petitioner-Renu Sinha, had filed I.A. No.5628 of 2013 in L.P.A. No.820 of 2013, arising out of C.W.J.C. No.7188 of 2012, in the case of Subir Kumar Versus the State of Bihar and others to come on record as necessary party Respondent.

2. Coordinate Bench has not passed any order on I.A. No.5628 of 2013 to the extent that whether the proposed respondent-Renu Sinha is a necessary and proper party in L.P.A. No.820 of 2013 or not. However, at once Interlocutory Application No.5628 of 2013 has been taken note of while deciding L.P.A. No.632 of 2013 and analogous cases including L.P.A. No.820 of 2013. As on the date of deciding the main matter, Renu Sinha's Interlocutory Application No.5628 of 2013 and its fate was not determined to the extent whether review petitioner- Renu Sinha was a necessary and proper party to L.P.A. No.820 of 2013 or not. If review-petitioner Renu Sinha is a proper and necessary party in that event, in all fairness, I.A. No.5628 of 2013 should have been allowed and permitted her to file counter affidavit as additional Respondent. If review-petitioner Renu Sinha is not necessary and proper party in



L.P.A. No.820 of 2013 in that event her Interlocutory Application No.5628 of 2013 should have been decided initially or as on the date of deciding L.P.A. No.820 of 2013 on 10.10.2018 by means of an independent order or part of the final order. Therefore, merely, taking note of I.A. No.5628 of 2013 in the final order dated 10.10.2018 without providing an opportunity to review-petitioner Renu Sinha to have her say by means of counter affidavit and also as a proposed respondent. Due to these facts and circumstances, review petitioner-Renu Sinha is not in a position to approach the next higher forum in view of the fact that her name is not reflected in the cause title of L.P.A. No.820 of 2013 filed by Subir Kumar Versus the State of Bihar and 9 others. If the Coordinate Bench had allowed I.A. No.5628 of 2013 and assigned ranking as a respondent no.11 in L.P.A. No.820 of 2013 in that event we would not have entertained the present Civil Review No.531 of 2018. Therefore, Review petitioner-Renu Sinha has made out a prima facie case for reconsideration of I.A. No.5628 of 2013 to the extent whether review-petitioner Renu Sinha is a necessary and proper party to L.P.A. No.820 of 2013 or not.

3. Accordingly, the order dated 10.10.2018 passed in L.P.A. No.632 of 2013 insofar as L.P.A. No.820 of 2013 stands



recalled and L.P.A. No.820 of 2013 stands delinked with L.P.A. No.632 of 2013 decided on 10.10.2018. L.P.A. No.820 of 2013 stands restored to its original file and number.

4. Civil Review No.531 of 2018 stands allowed.

5. Registry is requested to list L.P.A. No.820 of 2013, arising out of C.W.J.C. No.7188 of 2012, before the concerned Roster Bench along with I.A. No.5628 of 2013 at the earliest.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.12.2024.
Transmission Date	NA

