

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.155 of 2019

In
Letters Patent Appeal No.411 of 2006

-
-
1. Uday Narayan Singh son of Late Ram Avatar Singh, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).
 2. Ramkesh Yadav, son of Gharbharan Ahir, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).
 3. Malik Yadav, son of Gharbharan Ahir, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The Joint Director of Consolidation Bihar, Patna.
2. The Deputy Director of Education, Rohtas.
3. The Consolidation Officer, Mohania, Kaimur Bhabua.
4. The Assistant Consolidation Officer, Mohania, Kaimur Bhabua.
5. Chnadra Shekhar Tiwary, son of Late Shree Kishun Tiwary @ Krishna Tiwary, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).
6. Ram Shekhar Tiwari, Son of Late Shree Kishun Tiwary @ Krishna Tiwary, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).
7. Shyam Bihari Tiwari, son of Late Vedyadhar Tiwari, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).
8. Sunil Tiwari, son of Late Vedyadhar Tiwari, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).
9. Mithilesh Tiwari, son of Late Siwanand Tiwari, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).
10. Ram Bachan Yadav, son of Late Lachman Ahir, resident of Village-Gorasara, Police Station-Ramgarh, District-Kaimur (Bhabua).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Radha Mohan Pandey

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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



Heard I.A. No. 01 of 2019 in Civil Review No. 155 of 2019.

2. Brief facts of the case are that Revision Case No. 2738 of 1989 was passed in favour of the deceased Lachman Ahir and others. Feeling aggrieved by revision case, Shree Kishun Tiwary @ Krishna filed CWJC No. 6008 of 1993 which was dismissed by a learned Single Judge. Thereafter, Shree Kishun Tiwary @ Krishna preferred LPA No. 411 of 2006. During pendency of aforementioned LPA, Lachman Ahir died in the year 2010 resulted in filing of I.A. No. 4923 of 2011 for substitution of legal heirs of respondent no. 1- Lachman Ahir. On 21.02.2012 the following order was passed on I.A. No. 4923 of 2011:-

I.A. No. 4923 of 2011 has been filed for substitution of legal heirs of respondent no. 1, namely, Lachman Ahir, who died in the year 2010.

Having heard the parties on the point of substitution, the same is allowed.

Issue notice to the legal heirs of respondent no. 1 as well as respondent nos. 2 and 3 for which requisites etc. under ordinary process as well as registered cover with A.D. must be filed within two weeks, failing which the application shall stand rejected as against the concerned respondents without further reference to a Bench.



Thereafter on 06.03.2012 the application stood rejected as against legal heir of respondent no. 1 as well as respondent no. 2 and 3 for non compliance of order dated 21.02.2012.

3. In the order dated 21.02.2012 there is a prima facie inconsistency for the reasons that in the second paragraph substitution petition was allowed. Thereafter notice was issued to the legal heirs of respondent no. 1 as well as respondent no. 2 and 3. However, the appellant Shree Kishun Tiwary @ Krishna failed to comply the later portion insofar as furnishing requisite process resulted in non-service of notice to the review petitioners. Ignoring these factual aspects of the matter, LPA Bench proceeded to pass order on 09.05.2012 in the absence of contesting respondents presence or their advocate. Question of their presence would arise only as and when there is a compliance to later portion of the order dated 21.02.2012. In this backdrop, the present civil review petition has been filed. There is a delay of about 6 years 11 months and 10 days in filing the review petition insofar as recalling the order dated 09.05.2012 passed in LPA No. 411 of 2006. Perusal of the pleadings sufficient cause has not been shown. Even today we posed a question to the learned counsel for the civil review petition what is the date of awareness of the order dated



09.05.2012 passed in LPA No. 411 of 2006, he could not answer. However, he stated that review petitioners had the knowledge of 09.05.2012 order passed in LPA No. 411 of 2006 in certain civil litigation among the respective parties which was pending consideration before the jurisdictional civil court. However, he has not apprised what is the date of such a knowledge so as to examine the enormous delay of 6 years 11 months and 10 days. Accordingly, sufficient cause has not been shown so as to condone the enormous delay of 6 years 11 months and 10 days. Hence, I.A. No. 01 of 2019 for condonation of delay of 6 years 11 months and 10 days in filing Civil Review No. 155 of 2019 stands rejected.

4. In the result, Civil Review No. 155 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

U			
---	--	--	--

