

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.819 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Murlidhar @ Pintu Tiwari, S/o Late Raj Tiwari, Resident of Village - Odi, P.S.
- Itarhi, District - Buxar.

... .. Petitioner/s

Versus

Chhaya Kumari, D/o Brij Raj Pandey Resident of Village - Itarhi, P.S. - Itarhi,
District - Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 23-04-2024 It appears from the record that the instant revision is barred by a limitation by 355 days. The aforesaid application under Section 5 of the Limitation Act is taken up for hearing. The revisional application was filed on 01st August 2017 against an order dated 12th May 2016, passed by the learned Principal Judge, Family Court, Buxar in Maintenance Case No. 40 (M)/2008. It is stated on behalf of the petitioner that the petitioner was suffering from spondylitis pain from 16th August 2016 to 10th May 2017 and the doctor advised him to take bed rest during the period, therefore, he was not in a position to file the revisional application within the statutory period of limitation.

2. I have perused Doctor's certificate. The concerned



doctor is having academic qualification of M.B.B.S. and M.D. He is not an Orthopedician, he does not have an expertise to issue a certificate and medical advice to a patient allegedly, suffering from spondylitis, therefore, I am not in a position to condone the delay of 355 days. As Spondylitis is not a serious disease for which movement of a patient should be stopped nearly for one year. On the other hand, a patient suffering from spondylitis is generally directed by the Orthopedician to regularly practice some physical exercise with walking. As I cannot rely on medical advice, the application under Section 5 of the Limitation Act is rejected.

3. In view of the rejection of the application under Section 5 of the Limitation Act, the revisional application is also dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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