

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.40 of 2021

In
Civil Writ Jurisdiction Case No.5315 of 2003

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The State of Bihar

... .. Appellant/s

Versus

Shivji Singh,

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Rakesh Kumar Singh, Advocate
	:	Mr. Sonu Kumar, Advocate
	:	Ms. Shashi Priya, Advocate

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

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

8 13-03-2024 State-appellant filed the present LPA in assailing the order dated 28.03.2018 passed in CWJC No.5315/2003.

2. Heard I.A. No.03/2022, there is delay of about two years one month and eight days, the reasons assigned for condonation of delay is that the file was moving from one department to another department or one officer to another officer. State-/Appellant are well aware of the fact that LPA was required to be filed within a period of thirty days from the date of judgment read with the receipt of certified copy, if application is filed within a reasonable period whereas in the present LPA there is delay of two years one month eight days



and it is enormous delay to the State in filing LPA.

3. Accordingly, I.A. No.03/2022 for condonation of delay stands rejected. Even on merits, the present LPA cannot be decided as on today for the reasons that sole respondent has died on 18.03.2023, substitution has been filed on 07.03.2024 even in filing substitution there is delay of about one year taking note of all these facts and circumstances, IA No.04/2024 for substitution as well as LPA stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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