

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.39 of 2021

In
Miscellaneous Appeal No.618 of 2013

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Subhash Chandra Jha Son of Sri Prabhu Narayan Jha Resident of Mohalla -
O.T. Para Railway colony, P.S. Kathihar, District- Kathihar.

... .. Petitioner/s

Versus

Smt. Archana Daughter of Sri Kapileshwar Mishra Resident of Mohalla -
Manihari Road, Laliyahi, P.S. Kathihar, District- Kathihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Siddhartha Prasad, Adv
	:	Mr. Om Prakash, Adv
	:	Mr. Sunit Kumar, Adv
For the Opposite Party/s :	:	Mr.

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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)

7 30-04-2024 Service of notice to sole respondent is completed in
the light of Flag B.

2. Today, there is no representation on behalf of the
respondent. Review petitioner has sought for recalling the order
dated 25.09.2020 passed in Miscellaneous Appeal No. 618 of
2013. On the score, that matter was heard and reserved on
23.08.2019 and it was pronounced on 25.09.2020.

3. It is submitted that co-ordinate Bench has not



considered the issue relating to conviction and acquittal of the Review Petitioner *Subhas Chandara Jha* which has been placed on record by means of supplementary affidavit on behalf of the Review Petitioner *Subhas Chandara Jha*. In complaint case No. 111 of 2006 in which he was convicted on 11.04.2014 by the learned S.D.J.M., Katihar. Thereafter, he preferred Criminal Appeal No. 31 of 2014 in which he was acquitted on 23.12.2015. This material information has been placed on record in support of the contention of cruelty meted out by the Review Petitioner *Subhas Chandara Jha* the same has not been taken note of by the co-ordinate Bench while deciding Miscellaneous Appeal No. 618 of 2013. Thus, review petitioner has made out a case so as to recall the order of the co-ordinate Bench dated 25.09.2020 passed in Miscellaneous Appeal No. 618 of 2013.

4. Accordingly, Civil Review Petition No. 39 of 2021 stands allowed while restoring Miscellaneous Appeal No. 618 of 2013 on the file. Registry is hereby directed to list Miscellaneous Appeal No. 618 of 2013 before the concerned roster Bench along with the lower court records. The registry is hereby requested to show the name of unserved respondent in the cause list. If there is no representation on behalf of the sole respondent through advocate or party in



person.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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