

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1654 of 2022

In
Miscellaneous Appeal No.481 of 2015

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Smt. Gauri Devi @ Gauri Kumari, Daughter of Birendra Bhagat @ Birendra Prasad Bhagat, Resident of Village and P.O. Jeewachhpur, P.S.-Bhimpur, District-Supaul. At Present residing at Murliganj, P.S. Murliganj, District-Madhepura.

... .. Petitioner.

Versus

Om Prakash Bhagat, Son of Late Dharmnath Bhagat, Resident of Town Narpatganj, P.S. Narpatganj, District-Araria.

... .. Opposite Party.

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with
CIVIL REVIEW No. 233 of 2024
In
Miscellaneous Appeal No.481 of 2015

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Om Prakash Bhagat, son of Late Dharmnath Bhagat, resident of Ward No. 2, Narpatganj, P.S. Narpatganj, District- Araria.

... .. Petitioner.

Versus

Smt. Gauri Devi, wife of Sri Om Prakash Bhagat, resident of Village and P.O. Jeewachhpur, P.S. Bhimpur, District-Supaul; at present D/o Sri Birendra Bhagat, resident of Ward No. 9, Murliganj, P.S.- Murliganj, District-Madhepura.

... .. Opposite Party.

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Appearance :

(In Miscellaneous Jurisdiction Case No. 1654 of 2022)

For the Petitioner	:	Mr. Shivnandan Sah, Advocate.
For the Opposite Party	:	Mr. Amit Shrivastava, Senior Advocate.
		Ms. Mira Kumari, Advocate.
		Ms. Ankita Roy, Advocate.

(In CIVIL REVIEW No. 233 of 2024)

For the Petitioner	:	Mr. Amit Shrivastava, Senior Advocate.
		Ms. Mira Kumari, Advocate.
		Ms. Ankita Roy, Advocate.
For the Opposite Party	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

12 11-11-2024

I.A. No.1 of 2024 in Civil Review No.233 of 2024:

Heard I.A. No.1 of 2024 in Civil Review No.233 of



2024.

2. There is a delay of about 2 years 10 months and 27 days in filing the present Civil Review No.233 of 2024. The reasons assigned are that Hon'ble Supreme Court decided Petition(s) for Special Leave to Appeal (C) No(s).28961 of 2019 on 16.12.2019 (Annexure-P/1), whereas the present Civil Review No.233 of 2024 has been filed on 26.07.2024. The reasons for condonation of delay of about 2 years 10 months and 27 days are that COVID-19 period was in vogue and further certain mediation among the parties were in vogue and it was not materialized. COVID-19 period alone would not assist for the reasons that it covers only from March, 2020 to March, 2022. Thereafter, there is no explanation from April, 2022 to 26.07.2024, the date on which the present Civil Review No.233 of 2024 was filed except showing that certain mediation process were in vogue. At the best, the reasons for mediation can be taken into consideration for a period of 3 months to 6 months and not for two years. That apart for non-compliance of this Court order in Miscellaneous Appeal No.481 of 2015, Smt. Gauri Devi filed M.J.C. No.1654 of 2022 and it is pending consideration for even to this day. Present Civil Review No.233 of 2024 was filed by Om Prakash Bhagat only to overcome



M.J.C. No.1654 of 2022-Contempt Petition. Therefore one has to draw inference that laches principle would also attract in filing Civil Review No.233 of 2024.

3. In view of the above analysis, the review petitioner has not made out a case so as to condone enormous delay of 2 years 10 months and 27 days in filing the present Civil Review No.233 of 2024.

4. Accordingly, I.A. No.1 of 2024 in Civil Review No.233 of 2024 stands rejected.

5. Resultantly, present Civil Review No.233 of 2024 stands dismissed.

M.J.C. No.1654 of 2022:

6. Re-list the present M.J.C. No.1654 of 2022 on 25.11.2024.

7. Registry is hereby directed to de-link Civil Review No.233 of 2024.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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