

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3143 of 2023

In

FIRST APPEAL No. 198 of 2010

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Bahuri Mukhiya Son of Late Manik Mukhiya Group Leaders of Fisheries Co-operative Committee, Kunauli, Resident of Vilalge-Kunauli, Police Station-Kunauli, District-Supaul.

... .. Petitioner

Versus

1. The State of Bihar through the Collector-Cum-District Magistrate, Supaul, District-Supaul.
2. The District Fisheries Officer-Cum-Chief Executive Officer, Supaul, District-Supaul.
3. The Anchal Adhikari, Nirmali, Police Station-Nirmali, District-Supaul.
4. The Officer Incharge of Kunauli Police Station, Police Station-Kunauli, District-Supaul.

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Santosh Kumar Verma, Adv.

For the Opposite Party/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date 11-01-2024

The present petition has been filed for restoration of First Appeal No. 198 of 2010, which has stood dismissed for default on 22.08.2013 due to non-compliance of the peremptory order dated 08.08.2013.



2. The facts of the present case lie in a narrow encompass, inasmuch as the petitioner had filed a first appeal bearing First Appeal No. 198 of 2010 on 12.10.2010, whereafter eight weeks' time was granted by the Ld. Lawazima Board to remove the defects, by an order dated 13.04.2011, however, the defects were not removed, whereupon the Lawazima Board had again, vide order dated 30.11.2011, granted three weeks' time for removing the defects, nonetheless, again the defects were not removed, hence, the matter was placed before a coordinate Bench of this Court on 08.08.2013, which had granted the petitioner two weeks' peremptory time to remove the defects, but the petitioner again failed to remove all the defects, resulting in dismissal of the first appeal on 22.08.2013.

3. Now, after a lapse of more than 10 years, the petitioner has filed the present restoration petition on 19.10.2023.

4. The learned counsel for the petitioner has submitted that the petitioner was under the impression that his appeal is pending for hearing, however, in the first week of October, 2023, he heard a rumor in his locality that the first appeal has been dismissed for default, whereafter he had consulted his advocate and gained knowledge about the fate of his case and



had then preferred the present restoration petition, hence the aforesaid first appeal be restored to its original file.

5. I have heard the learned counsel for the petitioner and perused the materials on record, from which it is apparent that firstly, the present petition is barred by limitation and no sufficient cause has been shown much less any petition has been filed for condonation of delay of more than 10 years in filing the present petition so as to warrant entertaining the present petition. Secondly, it is a well settled principle of law that there should be an end to litigation, a judicial decision must be accepted as correct and there should be a finality of the judicial proceedings as also that of the judgments in order to prevent multiplicity of judicial decisions on the same subject-matter, having same cause of action. The principle of finality of litigation is based on a sound firm principle of public policy. Doctrine of finality ensures an end to a litigation in public interest. Even otherwise, the present petition is not maintainable in view of the provisions contained in the Code of Civil Procedure, 1908.

6. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any



merit in the present petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2024
Transmission Date	NA

