

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1629 of 2018

In

Civil Writ Jurisdiction Case No.13099 of 2010

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1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
 2. Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
 3. The Director, I.C.D.S. Directorate, (Integrated Child Development Service), Department of Social Welfare, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

- 1.1. Lilly Srivastava W/o Late Pandey Venkatesh Prasad Sinha, Resident of Village- Matukpur, P.S.- Barhara, District - Bhojpur at Ara.
- 1.2. Aparna Sinha, D/o Late Pandey Venkatesh Prasad Sinha, Resident of Village- Matukpur, P.S.- Barhara, District - Bhojpur at Ara.
- 1.3. Kumar Abhinav, S/o Late Pandey Venkatesh Prasad Sinha, Resident of Village- Matukpur, P.S.- Barhara, District - Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manish Kumar, AC to AAG 6
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

9 19-09-2024 The present LPA is filed by the State and the concerned officer has hopelessly drafted the interlocutory application for condonation of delay *namely* I.A. No. 3 of 2024 filed in LPA No. 1629 of 2018. There is not even iota of reference to the impugned order of the learned Single Judge dated 14.05.2018 passed in CWJC No. 13099 of 2010 as to how



there is delay of about 730 days in filing the LPA No. 1629 of 2018. Very casually the I.A. for condonation of delay has been drafted and filed without application of mind.

2. State being a mighty litigant, there is no care and caution in filing litigation including interlocutory application for condonation of delay of about 730 days. Accordingly, I.A. No. 3 of 2024 stands rejected with a cost of Rs. 2,000/- (Rupees Two Thousand). Cost shall be remitted in the Patna High Court Legal Service Committee. Resultantly, LPA No. 1629 of 2018 stands dismissed.

3. Pending I.As., if any, sand disposed of.

4. At this stage, learned counsel for the State is seeking liberty to file fresh L.P.A. along with interlocutory application. The same has been denied for the reasons that LPA No. 1629 of 2018 was filed in the year 2018. Earlier an interlocutory application for condonation of delay was filed in the year 2018 and it was defective, thereafter, again interlocutory application for condonation of delay has been filed in the year 2024. The same is also bereft of material information like not even apprising this Court what is the date of disposal of the CWJC No. 13099 of 2010 and what is the date of cause of action to file the LPA and how 730 days delay is calculated for



condonation of delay are not forthcoming.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

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