

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.100 of 2024

In
Letters Patent Appeal No.1989 of 2016

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Sushil Agrawal Son of Biseshwarlal Agrawal, Resident of Krishi Laxmi Kendra, Goyal Market, Gulabbagh, Police Station- Purnea, District- Purnea.
... .. Petitioner

Versus

1. The Bank of India registered under the Banking Companies State Bank of India Act, 1985 having its corporate Office at Nariman Point, Mumbai.
2. The Assistant General Manager, State Bank of India, Rasmacc, Stressed Assets Resolution Centre, Purnea.
3. The Authorised Officer, State Bank of India, Rasmacc, Stressed Assets Resolution Centre, Purnea.
4. M/s Shiv Shakti Enterprises, proprietorship Firm, having its place of business at Rajiv Chowk, Lin Bazar, Purnea, through its proprietor Sri Kumar Chandra Gupta, Son of Y. N. Gupta, resident of Kumar Auto Spring, Sudium Chauk, Tamta Toli, Police Station- Kahat, District- Purnea.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivek Vivek, Advocate
For the Opposite Party/s : 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)

5 30-10-2024 The present M.J.C. has been filed in the year 2024 to recall the order dated 21.02.2017 passed in L.P.A. No. 1989 of 2016 arising out of C.W.J.C. No. 12832 of 2012. There is a enormous delay of about 07 years in recalling the order dated 21.02.2017. Technically speaking, the petitioner is not entitled to any relief. However, it is not fault on the part of the petitioner, insofar as non-removal of office objection by his counsel. In other words, his counsel is to be blamed in not



taking necessary steps. That apart, it was bounden duty of the counsel on record to make necessary application to recall the order dated 21.02.2017 within a reasonable period of time of three months. There is a total inaction on the part of the Advocate on record for which petitioner shall not be penalized.

2. Be that as it may, in order to condone the enormous delay of about seven years in filing the present M.J.C., it is necessary to impose cost of Rs. 10,000/- (Rs. Ten Thousand). Cost shall be remitted in the Patna High Court Legal Services Committee, Patna within a period of four weeks from today. With such condition order dated 21.02.2017 passed in L.P.A. No. 1989 of 2016 stands recalled. L.P.A. No. 1989 of 2016 restore on the file.

3. Appellant is hereby directed to rectify the office objection in L.P.A. No. 1989 of 2016 within a period of eight weeks. Thereafter, Registry is hereby directed to list L.P.A. No. 1989 of 2016 before the concerned roster Bench at the earliest.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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