

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.236 of 2024**

**In**  
**Civil Writ Jurisdiction Case No.22790 of 2019**

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1. Employees State Insurance Corporation Employees State Insurance Corporation through the Director General, Employees State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi- 110002.
  2. The Joint Director (Recruitment), Employees State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi- 110002.
  3. The Additional Commissioner and the Regional Director, Employees State Insurance Corporation, Regional Office, Panchdeep Bhawan, Ashram Road, Ahmedabad (Gujrat)- 380014.
  4. The Regional Director, Employees State Insurance Corporation, Regional Officer, Panchdeep Bhawan, Ashram Road, Ahmedabad (Gujrat)- 380014.
  5. The Dy. Director, Employees State Insurance Corporation, Regional Officer, Panchdeep Bhawan, Ashram Road, Ahmedabad (Gujrat)- 380014.
  6. The Joint Director I/C Employees State Insurance Corporation, Sub-Regional Office, Employees State Insurance Corporation, Vadodara (Gujrat) 395001.

... .. Petitioner/s

Versus

1. Dhrambir Kumar Son of Ram Krishna Prasad Resident of Village- Sumka, P.O. Amraura, P.S. Tharthari, Nalanda.
2. Shailendra Kumar Chaudhary Son of Late Krishana deo Choudhary Resident of Village-and P.O. Bodhi Bigha, Ram Ghat, P.S.-Chandi, District-Nalanda.
3. Amrendra Kuamr Ram Son of Jagdish Ram Resident of Village-Tikari Tola (Shahdulepur), P.O.-Pratappur, P.S.-Hussainganj, District-Siwan (Bihar).

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sudhir Bijpuriya, Advocate  
For the Opposite Party/s : Mr.Sanjay Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

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

5      31-01-2025                      The present MJC No. 236 of 2024 has been filed for  
modification of order dated 06.02.2023 passed in CWJC No.



23977 of 2019 to the extent of extending the time limit stipulated in our order dated 06.02.2023. Order dated 06.02.2023 was required to be complied by the concerned petitioner on or before 06.08.2023 and it is not complied. On the other hand, the present MJC has been filed on 11.01.2024.

2. Question of extension of time limit to comply the order dated 06.02.2023 is not warranted in view of the fact whatever the time limit stipulated in our order dated 06.02.2023 has spent its force. Therefore, question of extension of time limit to comply order is not warranted.

3. Accordingly, the present MJC No. 236 of 2024 stands dismissed.

4. At this stage, learned counsel for the petitioner cited a decision of the Hon'ble Supreme Court in the case of Union of India & Ors. vs. Sharvan Kumar in (Civil Appeal No. 1942 of 2014) in particular Para 9.2. Para 9.2 reads as under:-

*“9.2. We may elaborate a little. When a conditional order is passed by the Court/Tribunal to do a particular act or thing within a particular period but the order does not provide anything as to the consequence of default, the Court/Tribunal fixing the time for doing a particular thing obviously retains the power to enlarge such time. As a corollary, even the Appellate Court/Tribunal or any higher forum would also be having the power to*



*enlarge such time, if so required. In any case, it cannot be said that the proceedings would come to an end immediately after the expiry of the time fixed.”*

5. The principle laid down in the aforementioned decision of the Hon’ble Supreme Court would not assist the present case. Having regard to the facts of the case, the petitioner were required to comply the order of this Court before 06.08.2023. They have every right to make necessary application for seeking extension of time before 06.08.2023. On the other hand, they have slept over the matter and filed the present MJC for modification of the order dated 06.02.2023. They have remedy of only filing civil review and not MJC. MJC for modification could be filed only in respect of any typographical error committed in the order/judgment and not touching certain events.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

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