

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.396 of 2021

In
Civil Writ Jurisdiction Case No.4341 of 2011

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Most. Shakuntala Devi, Wife of Late Krishnadeo Pandit, Resident of Village-
Rahta East, P.O.-Pirmokam, P.S.-Falka, District-Katihar.

... .. Appellant.

Versus

1. The State of Bihar.
2. The Commissioner, Purnea Division, Purnea.
3. The Collector, Katihar.
4. The Additional Collector, Land Ceiling, Katihar.
5. Jangali Paswan, Son of Late Maharaj Paswan, Resident of Village-Rahta
West Tola, P.O.-Pirmokam, P.S.-Falka, District-katihar.

... .. Respondents.

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Appearance :

For the Appellant : Mr. Dharendra Kumar Jha, Advocate.
For the State : Mr. Arun Kumar Bhagat, AC to AAG-12.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-03-2025

I.A. No.01 of 2021:

Heard I.A. No.01 of 2021.

2. Appellant had a cause of action in filing L.P.A. No.396 of 2021 on 24.09.2015 in the light of the order of the learned Single Judge dated 25.08.2015 passed in C.W.J.C. No.4341 of 2011, whereas L.P.A. No.396 of 2021 has been presented in the year 2021. The reasons for condonation of delay of about four years and few months are stated in



paragraphs-2 to 9 of I.A. No.01 of 2021. Paragraphs-2 to 9 of I.A. No.01 of 2021 are read as under:

“2. That the Appellant has not moved before this Hon’ble court on an earlier occasion in this matter by way of an Interlocutory Application.

3. That as a matter of fact the Appellant being a below and on illiterate Lady, After filing of the connected writ petition she was in complete darkness, No information was being given to her regarding the progress of the case.

4. That the Appellant-Petitioner was not even informed about the dismiss as of the connected writ petition, on 25.08.2015.

5. That about a year ago she asked one of her relatives to enquire about status of the case. Then she was informed that the connected writ petition has been dismissed.

6. That just after that the petitioner-Appellant suffered paralytic stroke and she was not able to move on her own for a long time. She remained under treatment of the doctors of Purnea.

7. That after being able to move out she



came to Patna and contacted her lawyer, she handed over the file to his present Advocate to examine the matter. She was advised to move in the Letters Patent Appeal against the order dated 25.08.2015.

8. That the Memo of Appeal was preferred, drafted and filed on 30.06.2021.

9. That it is a fact that some delay has occurred in filing the Appeal but the circumstances were beyond the control of the Appellant. That there are good question of Law and fact involved in this Appeal which deserves to be adjudicated by the Hon'ble Court."

3. Reading of the aforementioned reasoning, it is not sufficient cause has been shown so as to condone enormous delay of about 4 years and few months. Therefore, I.A. No.01 of 2021 for condonation of delay in filing L.P.A. No.396 of 2021 stands dismissed in the light of the decisions of the Hon'ble Supreme Court in the case of **State of Madhya Pradesh Versus Ramkumar Choudhary** decided in **SLP (C) Diary No.48636 of 2024** on 29.11.2024 read with **H. Guruswamy and Others Versus A. Krishnalah**, reported in



2025 SCC OnLine SC 54.

L.P.A. No.396 of 2021:

4. Resultantly, the present L.P.A. No.396 of 2021 stands dismissed.

5. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
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