

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.624 of 2025

In
Miscellaneous Jurisdiction Case No.1049 of 2025

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Shachi Palace Maintenance Society & Ors.

... .. Appellant/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sanjeev Kr. Mishra, Sr. Advocate Ms. Manini Jaiswal, Advocate
For P.M.C.	:	Mr.Prasoon Sinha, Sr. Advocate Mr. Prabhat Kumar, Advocate Mr. Pushkar Anand, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 05-08-2025

I.A. No. 01 of 2025

This application is filed under Section-5 of the Limitation Act for condonation of delay of 5 days in preferring the present appeal.

2. Heard Mr. Sanjeev Kumar Mishra, learned senior counsel, assisted by Ms. Manini Kaiswal, learned counsel for the applicants/appellants and Mr. Prasoon Sinha, learned senior counsel, assisted by Mr. Prabhat Kumar and Mr. Pushkar Anand, learned advocates for the respondents.

3. We have considered the submissions canvassed by learned counsel for the parties and gone through the



averments made in the present interlocutory application.

4. In view of the averments made in this petition and the submissions canvassed by the learned counsel for the applicants/appellants, we are of the view that the applicants/appellants have shown sufficient cause for not preferring the appeal within the time of limitation.

5. Accordingly, this interlocutory application is allowed. Delay of 5 days caused in preferring the present appeal is condoned.

L.P.A. No. 624 of 2025

The present appeal has been filed under Clause-10 of the Letters Patent Appeal Rules against the order dated 09.05.2025 in M.J.C. No. 1049 of 2025 (in C.W.J.C. No. 9931 of 2022).

2. Heard Mr. Sanjeev Kumar Mishra, learned senior counsel, assisted by Ms. Manini Kaiswal, learned counsel for the appellants and Mr. Prasoon Sinha, learned senior counsel, assisted by Mr. Prabhat Kumar and Mr. Pushkar Anand, learned advocates for the respondents.

3. Learned senior counsel for the appellants submits that the appellants are original writ petitioners who have filed the writ petition before the learned Single Judge.



However, the petitioners could not comply with the peremptory order dated 27.01.2025 and, therefore, the said petition came to be dismissed on 10.02.2025. It is further submitted that thereafter the appellants filed M.J.C. petition for restoration of C.W.J.C. No. 9931 of 2022. However, learned Single Judge dismissed the said M.J.C. on the ground that the appellants could not comply with the peremptory order dated 27.01.2025. The appellants have, therefore, preferred the present appeal.

4. Learned senior counsel further submits that he may be permitted to delete respondent No. 13 in the writ petition.

5. Permission, as prayed for, is granted.

6. Office to correct the cause title of the writ petition accordingly.

7. Learned senior counsel for the appellants further submits that appellants are having very good case on merits and, therefore, the writ petition filed by them is required to be heard on its own merits. He, therefore, urged that the writ petition be restored by quashing and setting aside the order impugned passed by the learned Single Judge.

8. On the other hand, learned senior advocate for the respondents has no objection if the main writ petition itself



is restored and the said petition is heard on its own merits.

9. We have considered the submissions canvassed by the learned senior advocates for the parties and perused the material placed on record.

10. We are of the view that the appellants are required to be given chance to argue the case on its own merits before the learned Single Judge in the writ petition.

11. Accordingly, the impugned order is set aside. C.W.J.C. No. 9931 of 2022 is hereby restored to its original file with a request to the learned Single Judge that the said petition be decided on its own merits.

12. After the writ petition is restored, office to list the writ petition before the concerned learned Single Judge as per Rules on 11.08.2025.

13. The present appeal stands allowed.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

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