

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.727 of 2023

In
Letters Patent Appeal No.5 of 2020

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1. The State of Bihar
 2. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
 3. The Director, Integrated Child Development Scheme, Bihar, Patna.
 4. The Joint Director (Headquarters), Social Welfare Department, Government of Bihar, Patna.

... .. Petitioner/s

Versus

Kumari Reeta @ Reeta Kumari Daughter of Late Ram Kailashh Sinha, Wife of Anil Kumar Singh Resident of Village- Raja Bazar, Indrapuri, Police Station- Tilauthi, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Shankar Pandey (AC to GA-7)
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

4 23-04-2026 Re: I.A. No. 1 of 2026

The present Interlocutory Application has been filed for condoning delay of nine months and five days in filing the present restoration petition.

2. The short facts of the case are that an intra-court appeal bearing L.P.A. No. 5 of 2020 was filed challenging the judgment dated 15.10.2019 passed by the Ld. Single Judge of this Court in CWJC No. 14412 of 2019, which also suffered from limitation



inasmuch as the same was filed beyond the time limit prescribed for filing the said appeal, nonetheless on account of the Ld. Counsel for the appellants remaining absent on two occasions, the appeal was dismissed for non-prosecution by an order dated 12.05.2022. Thereafter, the connected restoration petition bearing MJC No. 727 of 2023 was filed after a delay of nine months and five days alongwith which the present Interlocutory Application has been filed for condoning the delay in filing the restoration petition and the reasons mentioned therein can be culled out from paragraphs no. 4 to 8, which are reproduced hereinbelow:-

- “4. That it is further stated that immediately thereafter requisition was filed for obtaining the certified copy of order dated 12.05.2022 passed in L.P.A. No. 05 of 2020.*
- 5. That it is further stated that thereafter the matter was processed for obtaining legal opinion. That after obtaining the legal opinion, the matter was sent to the higher authorities for getting the approval for preferring the restoration petition.*
- 6. That thereafter, the Department has decided to prefer restoration petition, aggrieved with order dated 12.05.2022 passed in L.P.A. No. 05 of 2020 by the Hon'ble Court.*
- 7. That it is further stated that immediately the competent authorities have approached the Learned Government Counsel for taking steps for filling of restoration petition before the Hon'ble Court.*
- 8. That it is stated that due to administrative exigency and movement of file to different wing*



of the Department, time has been consumed and due to that delay have been caused.”

3. A bare perusal of the aforesaid paragraphs of the present Interlocutory Application would depict that no cogent much less sufficient cause has been shown so as to warrant condonation of delay in filing the connected restoration petition, hence the present Interlocutory Application is dismissed being devoid of any merit. Consequently, the restoration petition bearing MJC No. 727 of 2023 also stands dismissed.

(Mohit Kumar Shah, J)

(Arun Kumar Jha, J)

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