

(2022) 04 PAT CK 0071

In the Patna High Court

Case No : Miscellaneous Jurisdiction Case No. 450 Of 2021 In First Appeal No. 484 Of 1983

Baldeo Choudhary (Deceased)

APPELLANT

Vs

Bhagrasan Choudhary (Deceased)

RESPONDENT

Date of Decision : 26-04-2022

Acts Referred:

Citation : (2022) 04 PAT CK 0071

Hon'ble Judges : P. B. Bajanthri, J

Bench : Single Bench

Advocate : Ashok Kumar

Final Decision : Dismissed

Judgement

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the following relief/reliefs:

"That the instant application is being filed for restoration of the F.A. number 484 of 1983 to its original file which stood dismissed for non-compliance of the peremptory order dated 18/05/2009 passed by the Hon'ble Mr. Justice N.V. Sinha as then was by which four days time was allowed to comply the order dated 23/05/2008 failing which the aforesaid appeal was directed to be dismissed without further reference to a Bench."

The petitioner has filed I.A. for condonation of delay. Both the main petition as well as I.A. no. 1 of 2021 for condonation of delay is required to be examined in the light of delay and laches on the part of the petitioner. The petitioner has not explained the delay from 2009 to 2020. In the condonation of delay application, the petitioner is trying to take shelter with reference to the Covid-19 pandemic. Covid-19 pandemic had commenced from 20th March, 2020 whereas the petitioner has not apprised this Court in order to condone the delay from the year 2009 to 2020. In the light of these facts and circumstances, the petitioner has not made out a case for condonation of delay in filing the petition.

Accordingly, both I.A. no. 1 of 2021 as well as petition stands dismissed.