

(2009) 01 PAT CK 0026

In the Patna High Court

Case No : C.R. No's. 906 and 1407 of 2008

Surendra Prasad @ Bhola Prasad

APPELLANT

Vs

Vijayandra Prasad and Others
 Most. Aziz Fatima @
Nemat and Another Vs Md. Khursheed Ahmad @ Dr. Naseem
and Others

RESPONDENT

Date of Decision : 07-01-2009

Acts Referred:

Citation : (2009) 2 PLJR 205

Hon'ble Judges : Chandramauli Kr. Pd., Acting C.J.;Ravi Ranjan, J

Bench : Division Bench

Advocate : Krishna Nandan Singh and Dr. Kamal Deo Sharma, for the Appellant;

Judgement

1. We are entirely in agreement with the enunciation of law by learned Single Judge in its order dated 17.7.2008 passed in Civil Revision No. 906 of 2008 and Civil Revision No. 1012 of 2008 "that in terms of Chapter-III-A of the Patna High Court Rules, once a Civil Revision application is presented for filing and returned after Stamp Report with any defect to be cured by the Counsel and if the same is filed within seven days after removal of such defects, there would be no limitation if the application was originally presented within time". We are also in agreement with the learned Single Judge that the aforesaid view finds support from the judgment of the Division Bench in the case of Smt. Shubha Sinha Vs. Veer Kuwar Singh University and Others, .

2. Any decision of this Court taking the contrary view is overruled.

3. The Stamp Reporter henceforth shall proceed to consider the matter of limitation in the light of this judgment. Let Stamp Reporter give fresh report in the matter and thereafter both the case be listed before the learned Single Judge.