

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.221 of 2011

Bihar State Co-Operative Marketing Union Ltd & Ors

.... Petitioners

Versus

Smt. Usha Devi & Ors

.... Respondents

Appearance :

For the Petitioners : Mr. Mohammed Abu Haidar, advocate

For the Respondents : Mr.

**CORAM: HONOURABLE MR. JUSTICE SHIVA KIRTI SINGH
and**

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVA KIRTI SINGH)

3 30-04-2012 Heard learned counsel for the respondents petitioners and perused the records of MJC No. 208 of 2009 which was allowed on 19th November, 2010 in favour of BISCOMAUN and against the respondent petitioners of this MJC application. That order was passed after contest because the court was satisfied that since the heirs of the deceased writ petitioner Upendra Singh had been brought on record in MJC No. 4112/1999 through I.A. No. 1118/2003, the mistake of not filing similar substitution petition in LPA No. 1017/1999 was deemed fit to be condoned so that LPA No. 1017/1999 may be heard on merits. For that reason the order dated 15-04-2008 which was a common order in several cases and whereby LPA No. 1017/1999 was dismissed on grounds of abatement, was recalled so that LPA No. 1017/1999 may be heard on merits.

Learned counsel for the respondents petitioners submits that there was unusual delay and, therefore, MJC No. 208/2009 should not have been allowed by the Division Bench and that order should be recalled.

In the facts of the case, we are not persuaded to interfere with the order dated 19-11-2010 passed in MJC No. 208 of 2009. This MJC application is, therefore, dismissed.

(Shiva Kirti Singh, J)

(Vikash Jain, J)

