

S214
28/6/13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Letter Petent Appellate Jurisdiction)

I.A. No. of 2013

In

L.P.A.No. of 2013

Fulo Devi @ Smt. Fulo Devi,Petitioner/Appellant

Versus

The State of Bihar and others Respondents/Respondents

INDEX

SL. NO.	PARTICULARS	PAGE NO.
1.	An application under section 5 of the Limitation Act	1-4

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Letter Petent Appellate Jurisdiction)

I.A. No. _____ of 2013

In

L.P.A.No. _____ of 2013

In the matter of an application under section 5
of the Limitation Act

A n D

In the matter of

Fulo Devi @ Smt. Fulo Devi, wife of Late Kapileshwar Arya, Residing at Guljarbag, ward
no.20 Madhepura, P.S.+ District-madhepuraPetitioner/Appellant

Versus

- 1.The State of Bihar
- 2.The Director, Primary Education, Government of Bihar, Patna
- 3.The District Education Officer, Madhepura, District-Madhepura
- 4.The District Programme Officer (Establishment), Madhepura, District-Madhepura
- 5.The Accountant General, Government of Bihar, Patna.....Respondent / Respondents.

To ,

The Hon'ble Ms Justice Rekha M. Doshit, the Chief Justice of the Hon'ble High Court of Judicature at Patna and her companion Justice of the said Hon'ble Court.

The humble petition of Appellant
named above.

MOST RESPECTFULLY SHEWETH :-

1. That this application is being filed for condonation of delay in filling the instant memo of appeal for condoning delay for 22 days.
2. That appellant aggrieved by order dated 16.10.12 passed in C.W.J.C. No.5273/12 by Hon'ble Mr. Justice Ramesh Kumar Dutta and lordship has been pleased to allow for payment of family pension of the deceased employee including the son of the petitioner but no specific direction for payment of the family pension to the appellant, when first wife Dahavi Devi of the husband has already died on 04.08.08 without getting family pension thus appellant is being wife of husband is entitled, she is old illeterate house wife having no knowledge regarding the limitation for filling the Appeal, for this reason this petition is being is filed for condonation of dealay for 22 days.
3. That limitation of this appeal has been expired on 21.11.2012 but this memo of appeal has been filed on 13.12.12, reason of filling delay of memo of Appeal is without knowledge and due to lake of knowledge and beying the control.
4. That on the merit of the case very good case for appeal and every chance to sucesseed if limitation shall be condone
5. That no intension to delay to file memo of appeal with limitation but same was held which was beyond the control.

6. That no latches on the part of appellant what so ever was made due to lake of knowledge and information to the appellant regarding limitation
7. That the above fact and circumstances this petition is fit to be allowed.
8. That the appellant have not moved any other application for condonation of delay in filling the instant memo of appeal.

It is therefore prayed that your Lordships may graciously be pleased to consider the fact and circumstances stated above and be further pleased to condone the delay in filling this memo of appeal and/ or pass such other order or orders as your Lordships may deem fit and proper.

And for this appellant shall ever prayed.

AFFIDAVIT

I, Fulo Devi @ Smt. Fulo Devi, aged about 64 years, wife of Late Kapileshwar Arya, Residing at Guljarbag, ward no.20 Madhepura, P.S.+ District-madhepura, do hereby solemnly affirm and state as follows:-

1. That I am Appellant in this case and as such am well acquainted with the facts and circumstances of the case.
2. That I have gone through the contents of this Appeal and have fully understood the same. The statements made in paragraphs are true to my knowledge and based on information derived from records of the case and rest are by way of submission before this Hon'ble Court.

सुनी देवी