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11/10/12

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Letters Patent Appellate Jurisdiction)

I.A.No. _____ of 2012

In

L.P.A. No. _____ of 2012

Md. Shakil Ahmad.Appellant.

Versus

The State of Bihar and others. Respondents.

Sub :- Limitation matter.

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IN THE HIGH COURT OF JUDICATURE AT PATNA

(Letters Patent Appellate Jurisdiction)

I.A.No. _____ of 2012

In

L.P.A. No. _____ of 2012

In the matter of an
application under section-5
of the Indian Limitation Act;

AND

In the matter of:-

Md. Shakil Ahmad. Appellant/Petitioner.

Versus

The State of Bihar and Ors. Respondents/Respondents.

To

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

The humble limitation petition on behalf of the appellant above named.

Most Respectfully Sheweth:-

1. That, this interlocutory application is being filed for condonation of delay of about 72 days in filing the letters patent appeal.
2. That, the petitioner/appellant has not moved this Hon'ble Court any time earlier in this connection.
3. That, the impugned order was passed in the writ application on 20.6.2012 of which a certified copy dated 2.7.2012 has been received by the petitioner/appellant on 9.7.2012 but the petitioner/appellant was suffering from fever at that time and on 17.7.2012 it was detected that the petitioner/appellant was suffering from jaundice. After recovery from the jaundice the petitioner/appellant approached the counsel on 7.10.2012, but due to illness of the counsel for the petitioner/appellant, the memo of appeal along with limitation petition could be drafted and prepared on 10.10.2012 and is being filed on 11.10.2012.
4. That, it is humbly submitted here that there is no deliberate laches on the part of the petitioner/appellant

rather the reason for the delay was beyond the control of the petitioner/appellant.

It is therefore, prayed that Your Lordships may graciously be pleased to allow this limitation application and condone the delay in filing the letters patent appeal.

And / Or

be pleased to pass any such other order or orders as to Your Lordships may deem fit and proper in the facts and circumstances of the case.

And for this, the petitioner/appellant shall ever pray.

AFFIDAVIT

I, Md. Shakil Ahmad, aged about 41 years, son of Hanif Sani, resident of village-Rahmatganj, Police Station-Srinagar, District-Madhepura, do hereby solemnly affirm and state as follows:-

1. That, I am petitioner/appellant in this case and as such am well acquainted with the facts and circumstances of the case.
2. That, the contents of this interlocutory application have been read over and explained to me in Hindi, which I have fully understood and believe them to be true to my knowledge.

Md. Shakil Ahmad.