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19/01/15

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**(LETTERS PATENT APPELLATE JURISDICTION)**

I. A. No. \_\_\_\_\_ / of 2014

IN

L.P.A. No. \_\_\_\_\_ / of 2014

Nisar Ahmad & Others .....Appellants.

Versus

The State of Bihar & Ors.....Respondents.

Sub: Limitation Matter.

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**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**(LETTERS PATENT APPELLATE JURISDICTION)**

I. A. No. \_\_\_\_\_ / of 2014

IN

L.P.A. No. \_\_\_\_\_ / of 2014

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

And

In the matter of:

1. Nisar Ahmad, son of Late Abdul Hakim
2. Washi Ahmad
3. Samsad Alam

Both sons of Late Sagir,

All resident of Village: Mohalla: Ward No. 11, P.S. and

District: Madhepura.

..... *Appellant.*

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhepura.
3. The Land Acquisition Officer, Madhepura, District: Madhepura.
4. The Sub. Divisional Officer, Madhepura, District: Madhepura.
5. The Circle Officer, Madhepura, District: Madhepura.

.....*Respondents..... Respondents.*

To,

*L. Narasimha Reddy*  
The Hon'ble Ms. Justice ~~Rekha M. Doshi~~, the Chief Justice of  
the High Court of Judicature at Patna and her companion  
justices of the said Hon'ble Court.

The humble petition on behalf of  
the petitioner named above.

**MOST RESPECTFULLY SHEWETH:**

1. That this interlocutory application is being filed for condoning the delay of the limitation of 34 days of filing of memo of appeal because the limitation has been expired on 15.10.2014, so far the present impugned judgment and order dated 15.09.214 passed in C.W.J.C.No. 5106 of 2014 passed by

Hon'ble Mr. Justice Shivaji Pandey, whereby and whereunder the writ petition filed by the petitioners before this Hon'ble High Court, Patna which has been dismissed.

2. That the appellants have earlier not moved/filed for grant of any limitation petition previously before this Hon'ble High Court in the instant case.
3. That the aforesaid impugned judgment and order dated 15.09.2014 passed in C.W.J.C.No.5206 of 2014 passed by Hon'ble Mr. Justice Shivaji Pandey and the impugned judgment and order has been obtained by the petitioners/appellants on 16.10.2014, therefore, there is delay for filing of the memo of appeal.
4. That there is no intentionally mistake and laches on the part of the appellants so far the appellants have got no knowledge about the limitation as such there is delay for filing the aforesaid memo of appeal.
5. That the petitioners/appellants being unemployed person, having there is no sources of income and the appellants also belong to poor family as such the appellants are not able to file

the memo of appeal before this Hon'ble Court but anyhow the appellants have arranged some cash amount from his distant relation and thereafter handed over the file to their counsel. Accordingly the present interlocutory application is being filed for condoning the delay of 34 days for filing the memo of appeal.

6. That if the limitation petition has not been allowed the appellants will suffer from serious loss, therefore, it is essential to condoning the delay of filing the memo of appeal.

It is, therefore, prayed that Your Lordships may graciously be pleased to admit this interlocutory application and after final hearing of the parties may kindly allow the limitation petition and may kindly condone the delay of filing the aforesaid memo of appeal.

And/Or

Pass such other order or orders as Your Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

**AFFIDAVIT**

I, Nisar Ahmad, aged about 65 years, son of Late Abdul Hakim, resident of Ward No. 11 P.S. and District: Madhepura, do hereby solemnly affirm and state as follows:

1. That I am appellant no.1 in this memo of appeal, and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this limitation petition have been read over and have understood the same. They are true and correct to the best of my knowledge and belief.

*Nisar Ahmad*