

(2022) 05 PAT CK 0012

Patna High Court

Case No: Civil Review No. 160 Of 2021 In Civil Writ Jurisdiction Case No.18451 Of 2021

Kishore Kunal

APPELLANT

Vs

Sant Bhagwan Ram @ Balak
Baba

RESPONDENT

Date of Decision: May 11, 2022

Hon'ble Judges: Sanjay Karol, CJ; A. M. Badar, J

Bench: Division Bench

Advocate: P.K. Shahi, Kumar Shanu, Sugandha Prasad, Lalit Kishore, Pawan Kumar

Final Decision: Disposed Of

Judgement

Heard learned counsel for the parties.

The instant Review Application has been filed seeking review of the judgment and order dated 26.10.2021 passed in CWJC No. 18451 of

2021, titled as Sri Sant Bhagwan Ram @ Balak Baba Vs. The State of Bihar & Ors.

With the consent of the parties, we propose to dispose of the present petition in the following terms.

For the reasons assigned in the petition, in exercise of our plenary jurisdiction of review, we recall our judgment and order dated 26.10.2021 passed in

CWJC No. 18451 of 2021, more so on the ground that the order was obtained by concealing relevant material information/suppressing facts and to

pursue a personal agenda which appears to be an inter se dispute between two private parties.

We further notice that in the instant petition, on 24th of November, 2021, we had passed the following order:-

Ms. Sugandha Prasad, learned counsel appearing on behalf of the Opposite Party No. 1 states that no precipitated action shall be taken. Also, reply shall be filed before the next date of hearing.

List on 08.12.2021.

It is brought to our notice that Private Respondent No. 1, namely Shri Sant Bhagwan Ram @ Balak Baba has violated the aforesaid order, inasmuch as he got instituted a complaint through a third party.

In view of the apology tendered by the Private Respondent No. 1, with the condition that the said complaint shall be withdrawn, in fact deemed to have been withdrawn, we refrain from taking any appropriate action for having violated our order.

As such, the present petition (Civil Review No. 160 of 2021) is allowed. Judgment and order dated 26.10.2021 passed in CWJC No. 18451 of 2021,

titled as Sri Sant Bhagwan Ram @ Balak Baba Vs. The State of Bihar & Ors. is recalled and the complaint case [Enquiry No. 6/2022, titled as

Falahari Suryavanshi Das Vs. Acharya Shri Kishore Kunal & Anr., pending before the learned Special Judge, SC & ST Act, Patna] is deemed to have been withdrawn.

At this stage, learned counsel appearing for the private respondent pleads that permission be granted to initiate appropriate proceedings in accordance with law.

Well, in the attending facts and circumstances of the case, we are not inclined to accept such a prayer, but however, should there be any subsequent cause of action, it is always open for the petitioner to take recourse to remedies in accordance with law.

Civil Review Application stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

Record called for, in terms of our order dated 06.04.2022, be returned forthwith.