

Ram Kumar Thakur and anr. Vs. the State of Bihar and ors.

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Court : Patna

Decided On : Apr-22-1998

Judge : B.M. Lal, C.J. and S.K. Singh, J.

Appeal No. : L.P.A. No. 287 of 1998

Appellant : Ram Kumar Thakur and anr.

Respondent : The State of Bihar and ors.

Disposition : Appeal Dismissed

Judgement :

B.M. Lal, C.J.

1. Limitation prescribed under Section 9 of the Bihar and Orissa Public Demand Recovery Act is 30 days (Thirty days) from the date of receipt of the notice whereas in the instant case admittedly the appellants had filed their objection after 3 years (Three years) from the date of receipt of the notice. On this ground alone, the writ petition was dismissed against which this appeal has been filed

2. Making out a case of a belated or invalid claim, which has no leg to stand, presenting such matters before a Court in the shape of a petition, appeal or revision, as the case may be, and to entertain such matters not only amounts to abuse of process of the Court but also results in wastage of Court's valuable time with the result disposal of genuine cases lags behind creating frustration amongst

the litigants.

3. Thus to prevent mushroom growth of such type of frivolous litigations, it is expected of the Counsel concerned, who is also an officer of the Court, to give correct advice to the litigant, and despite that if the litigant insists upon to file a case, it is for the Counsel to certify that the advice given to the litigant is supported either by statutory law or by the pronouncement of the Court and yet the litigant insists for filing the same so that in such circumstances the litigant/party may be dealt with suitably by the Court and this serve as a sort of preventive measure to avoid filing of frivolous litigations. This is what has also been ruled by the Apex Court in Sub-Inspector Sadhan Kumar Goswami and Ors. v. The Union of India and Ors. : (1997)2SCC225 .

4. While dictating the order at one time Me thought to impose a heavy cost but refraining ourselves in doing so as it may reflect upon the personality of the Counsel appearing for the party, we simply propose to dismiss this appeal.

5. We accordingly dismiss this appeal being devoid of merit.

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