IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 551 of 2018
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1. The State of Jharkhand
2. The Chief Conservator of Forest,
   World Food Programme, Ranchi.
3. The Divisional Forest Officer,
   World Food Programme, Chaibasa. --- --- Petitioners

Versus

1. Saroj Devi
2. Ravi Kumar Motani
3. Ankit Motani
4. Kanchan Kumari
5. Neha Kumari -- --- Opp. Parties

CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh

Through Video Conferencing

For the Petitioners : Mr. Pankaj Choudhary, A.C. to S.C. (L&C)-II
For the Opp. Parties : Mr. Birendra Kumar, Adv.

10/04.12.2020 Heard learned counsel for the petitioners and the opposite parties.

Petitioner State of Jharkhand and its officials seek restoration of C.M.P. No.171/2017 which stood abated on 2nd April 2018 due to non-substitution of the legal heirs of the deceased respondent/opposite party no.1 Vijay Kumar Motani. During pendency of the present restoration petition, after much efforts and search, petitioners have successfully impleaded the legal heirs of the deceased original contesting respondent in the writ petition and the opposite party no.1 in C.M.P. No.171/2017. Opposite parties are represented by learned counsel Mr. Birendra Kumar.

In the writ petition the award of permanent lok adalat dated 27th October 2005 passed in PLA No.175/2005 was under challenge. The writ petition was, however, dismissed for non-prosecution. C.M.P. No.171/2017 also stood abated for non-taking of steps for substitution of the deceased opposite party Mr. Vijay Kumar Motani.

Learned counsel for the petitioners submits that if C.M.P. No.171/2017 and the writ petition being W.P.(C) No.200/2006 consequently are not restored, the petitioners would suffer irreparably since the award of the permanent lok adalat may remain intact, though it suffers from serious errors of law.

Learned counsel for the opposite parties has opposed the prayer. He submits that there is complete lack of diligence on the part of the

petitioners State in prosecuting the writ petition and C.M.P. No.171/2017 also. The original awardee has died and his legal heirs are being unnecessarily dragged in this litigation instead of complying with the award.

I have considered the submissions of the learned counsel for the parties and taken note of the background facts leading to the dismissal of C.M.P. No.171/2017.

In the writ petition, the petitioners State have led a challenge to the award of the permanent lok adalat. The writ petition was dismissed for non-prosecution due to non-representation on behalf of the petitioners State. However, it appears that the C.M.P. was pursued without carrying out substitution of the legal heirs of the deceased opposite party Vijay Kumar Motani and as such it abated vide order dated 2nd April 2018. However, in the present petition, legal heirs of the deceased have been impleaded and are represented. In those circumstances, though there is lack of diligence on the part of the petitioners State, but in the interest of justice I am inclined to restore C.M.P. No.171/2017 to its original file, subject to payment of cost of Rs.5,000/- to be paid to the opposite parties through their counsel within a period of four weeks and receipt thereof be filed in the registry within the same time.

Mr. Birendra Kumar, learned counsel appearing for the opposite parties undertakes to appear in the restored C.M.P. No.171/2017. In that event, let his name be reflected in the said C.M.P. also for the opposite parties and the cause list, so that the said C.M.P. does not remain unattended when it is taken up, on the part of the opposite parties. The instant petition stands disposed of.

Prayer for condonation of delay made through I.A. No.7288 of 2019 is allowed taking into account the aforesaid facts and reasons recorded herein above. Accordingly, I.A. No.7288 of 2019 also stands disposed of.

(*Aparesh Kumar Singh, J.*)

Shamim/