

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No. 627 of 2023

The Union of India through General Manager, Eastern Railway,
Kolkata Petitioner

Versus

1.Regana bediya
2.Dukhan Bedya
3.Jageshwar Bediya
4.Prabhu Bediya
5.Chotu Bediya
6.Reeta Kumari minor
7.Ashwa Devi
8.Khaitu Bediya
9.Gurudayal Bediya
10.Charki Devi
11.The Deputy Commissioner, Hazaribagh Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Petitioner : Mrs. Bakshi Vibha, C.G.C
For the State : Mrs. Mohini Gupta, A.C to S.C(Mines)I

03/Dated:12th June, 2024

I.A. No.9760 of 2023

This interlocutory application has been filed on behalf of the petitioner under Section 5 of the Limitation Act for condonation of delay of 01 day in filing the present Civil Miscellaneous Petition.

2. Having heard the learned counsel for the petitioner and O.P. No.11 and in view of the averments made in paragraph nos.6 and 7 of this interlocutory application, the delay of 01 day in filing the present Civil Miscellaneous Petition is condoned.

3. Accordingly, I.A. No.9760 of 2023 is allowed and stands disposed of.

C.M.P. No.627 of 2023

4. This C.M.P. No.627 of 2023 has been filed on behalf of the petitioner for restoration of First Appeal No.90 of 2016 which

stood dismissed on 17.04.2023 due to non-compliance of the order dated 20.03.2023 passed by a Co-ordinate Bench (Justice Anil Kumar Choudhary) of this Court.

5. Learned counsel for the petitioner submitted that due to mistake on the part of the Office Clerk of his office, the defects pointed out by the office could not be removed. It is submitted that she will remain vigilant in future and hence the First Appeal No.90 of 2016 may be restored.

6. No objection has been raised by the learned counsel for the O.P. No.11.

7. It appears that no one had appeared on behalf of the Respondent No.1 to 10 in the connected First Appeal No.90 of 2016.

8. Having heard learned counsel for the petitioner and O.P. No.11 and in view of the averments made in paragraph nos.5 to 8 of the C.M.P. No.627 of 2023, the prayer for restoration of First Appeal No.90 of 2016 is allowed and First Appeal No.90 of 2016 is restored to its original file.

9. Accordingly, C.M.P. No.627 of 2023 is allowed.

10. Office is directed to place the matter before the appropriate Bench as per Roster.

(Sanjay Prasad, J.)