IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.815 of 2024
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1. Manohar Prasad Sharma aged about 88 years son of Shri Chamaru Sharma, resident of village Bagridih (Domchanch), P.O. Domchanch, P.S. Koderma, District Koderma.
2. Bachhu Ram Chandrabanshi @ Bachhu Ram aged about 72 years son of Shri Sheo Charan Ram Chandrabanshi
3. Mosomat Manju Devi aged about 72 daughter of Dasrath Ram Chandrabanshi
4. Suresh Kumar Chandrabanshi @ Suresh Rawani aged about 70 years son of Raghunath Ram Rawani.

All residents of Village Kharkhar, P.O. Nawalsahi, P.S. Markacho, District Koderma.

… Defendants/Respondents/Appellants/Petitioners

Versus

Rameshwar Singh son of Late Prayag Singh resident of Village Masmohana, P.O. Masmohana, P.S. Markacho, District Koderma.

... Plaintiff/Appellant/Respondent/Opposite Party

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Kundan Kr. Ambastha, Advocate
For the OP : Mr. Kumar Amit, Advocate

Order No:-04 Dated:-13-12-2024

Heard the parties.

This Civil Miscellaneous Petition has been filed by the petitioners with a prayer for restoration of Second Appeal No.05 of 2008 which stood dismissed for default vide order dated 19.12.2022, to its original file.

It is submitted by the learned counsel for the petitioners that Second Appeal No.05 of 2008 stood dismissed for default, for non-compliance of peremptory order dated 07.11.2022. It is next submitted that due to inadvertence and bonafide mistake, the counsel for the petitioners could not comply the said peremptory order within stipulated time, which resulted in dismissal of the said Second Appeal No.05 of 2008. It is also submitted that the petitioners have very good grounds to agitate in the said Second Appeal No.05 of 2008 and unless the same is restored to its original file, the

petitioners will be highly prejudiced. Hence, it is submitted that the Second Appeal No.05 of 2008 be restored to its original file.

Considering the aforesaid submission of the learned counsel for the petitioners, Second Appeal No.05 of 2008 is directed to be restored to its original file at the same stage at which it was before its dismissal.

List this Second Appeal No.05 of 2008 before the concerned Bench after a week.

This Civil Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Abhiraj/