

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P No. 497 of 2018

Arun Kumar Burnwal, aged about 48 years, s/o Sri Permashwar Prasad Burnwal, r/o Village+Post-Telo, PS-Nawadih, District-Bokaro (Jharkhand)

... ... Petitioner

Versus

Union of India, through the General Manager, Eastern Railway, 3, Koilaghat Street, PO/PS-Garden Reach, Kolkata, District-Kolkata (West Bengal)

... ... Opposite Party

CORAM: HON'BLE THE ACTING CHIEF JUSTICE

For the Petitioner : Mr. Rajesh Kumar Jha, Advocate

Order No. 3 / Dated: 12th March 2024

This Civil Miscellaneous petition has been filed after about five years when M.A No. 72 of 2011 was dismissed.

2. In the limitation application being I.A No. 9643 of 2018, the petitioner has made serious allegations against the conducting lawyer.

3. He has stated as under:

“4. That it is stated and submitted that the aforesaid Misc. Appeal was dismissed on 22.04.2013 and it was informed through memo dated 26.04.2013 to the advocate concerned but never communicated to the petitioner. The petitioner is a disabled person and due to injury received by him in the alleged untoward incident he has lost his one eye and due to injury on his head he is unable to move anywhere without help of some other person. However he was always in touch with his counsel namely Ashok Kumar Singh, who conducted his case at Railway Claims Tribunal (Court below). Mr. A. K. Singh, the said advocate assured the petitioner that his case is not yet listed and whenever order will be passed the same will be communicated without any delay. But finally in the month of January 2018 petitioner called Mr. Singh and requested to pursue his matter because he was in need of money. The said lawyer Mr. Singh is a busy professional but he spared his time and queried about the matter with the advocate concerned who had filed the appeal in question but he could not get satisfactory answer. Thereafter in May 2018 he got the information regarding the dismissal with the help of another lawyer through internet. Then the petitioner was informed by him and also advised to take steps accordingly. Thereafter as per advice given, petitioner contacted present counsel with required documents and engaged him to take steps further. The present counsel first of all inspected the records of M.A No. 72 of 2011 on 25.08.2018. Thereafter present C.M.P was drafted and in this exercise some more time elapsed.”

4. The statements made in paragraph no.4 would disclose that the petitioner has failed to disclose any date when he could finally come to know about dismissal of M.A No. 72 of 2011 and through whom. The petitioner has failed to show sufficient cause for condoning such inordinate delay in

filing the petition for restoration of M.A No. 72 of 2011.

5. While so, I.A No. 9643 of 2018 is dismissed.

6. Consequently, C.M.P No. 497 of 2018 is also dismissed.

(Shree Chandrashekhar, A.C.J.)

Amit