

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No. 1211 of 2023

With

I.A. No. 6215 of 2024

M/s Jaishiv Constructions Pvt. Ltd. a body incorporated under the Companies Act, 1956, having its registered office at Bano Manzil Road, P.O. – G.P.O., P.S. – Sukhdeo Nagar, District-Ranchi-834001, Jharkhand through its Director, Yatindra Nath Singh, son of Late Jinish Prasad Singh, resident of Bano Manzil Road, P.O. – G.P.O., P.S. – Sukhdeo Nagar, District-Ranchi, Jharkhand-834001.

... ... Claimant/Applicant/Petitioner
Versus

1. Union of India acting in premises, though Chief Administrative Office (CON), East Central Railway, Mahendru Ghat, P.O. Mahendrughat, GPO-Patna, P.S. Kotwali, Patna-800004, Bihar.
2. Dy. Chief Engineer (CON/I), East Central Railway, Hazaribagh, Patna Road, near DAV School, Kenhari Hill Road, Hazaribagh-823501, P.S. Sadar, P.O. Head Jharkhand.

... ... Opp. Parties/Respondents

3. Hon'ble Mrs. Justice Jaya Roy (Retd.), the Sole Arbitrator, having her office at Roy's Compound, Church Road, Ranchi-834001, Jharkhand.

..... Proforma Respondent

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner

: Mrs. Nirupama, Advocate

05/Dated: 18th October, 2024

I.A. No. 6215 of 2024:

1. The instant interlocutory application has been filed for deleting the name of respondent no.2, namely, The President of India, by Chief Engineer (CON), East Central Railway, Mahendru Ghat, Patna, P.S. Kotwali, P.O. Mahendrughat, GPO-Patna, 800004, Bihar.
2. Considering the said interlocutory application.
3. Let the name of respondent no.2 be deleted from the arrays of the respondents.
4. In view thereof, the instant interlocutory application is allowed, as such, disposed of.

C.M.P. No. 1211 of 2023:

5. Learned counsel for the petitioner has sought for leave of this Court to make necessary correction in the provision of law under which the instant civil misc. petition has been filed.
6. Such submission has been made on the ground that due to inadvertence, the present petition has been filed under Section 151 of C.P.C. instead of Article 226 of the Constitution of India.
7. Considering the said submission, leave as sought for is allowed.
8. Let the necessary correction be made in the provision of law.
9. The instant civil misc. petition has been filed for restoration of C.M.P. No. 1050 of 2022, which stood dismissed for non-prosecution vide order dated 09.10.2023.
10. Learned counsel for the petitioner has submitted that the petition being C.M.P. No. 1050 of 2022, which stood dismissed for non-prosecution vide order dated 09.10.2023 may be restored to its original file otherwise the petitioner may suffer irreparable loss and injury.
11. None is present to represent the respondent, however, the name of the concerned learned counsel is appearing in the daily cause list.
12. This Court, after having heard the learned counsel for the petitioners, considering the submission advanced on his behalf and the reason assigned in the instant Civil Miscellaneous Petition, is of the view that the present civil misc. petition is required to be allowed otherwise the petitioner will be remediless and the issue raised will remain undecided.
13. Accordingly, this Court deems it fit and proper to restore the petition being C.M.P. No. 1050 of 2022, which stood dismissed for non-prosecution vide order dated 09.10.2023, to its original file.
14. In view thereof, the petition being C.M.P. No. 1050 of 2022, is restored to its original file.

15. Accordingly, the instant Civil Miscellaneous Petition stands disposed of.

(Sujit Narayan Prasad, J.)

Saurabh/-