

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 349 of 2024

1. Sri Haru Mahato, aged about 54 years, son of Praful Mahato, father of the deceased Shibu Mahato @ Shiva
 2. Kavita Kumari, aged about 34 years, daughter of Haru Mahato, sister of the deceased Shibu Mahato @ Shiva
 3. Prabhakar Mahato, aged about 29 years, son of Haru Mahato, brother (Major) of the deceased Shibu Mahato @ Shiva
 4. Karan Mahato, aged about 19 years, son of Haru Mahato, brother (Minor) of the deceased Shibu Mahato @ Shiva
- All are resident of village/Mohalla Chasnala, Mahato Basti, P.O. Jharia, P.S. Patherdih, District- Dhanbad-825135 (Jharkhand)

... Petitioners

-Versus-

Union of India through General Manager, East Central Railway, Hazipur,
P.O. & P.S. Hazipur, District- Hazipur

... Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. Md. Zaid Ahmed, Advocate
For the Opposite Party : Mrs. Niki Sinha, C.G.C.

03/07.03.2025 I.A. No.8955 of 2024 has been filed for condoning the delay of 297 days in filing the present petition.

2. Mr. Ahmed, learned counsel for the petitioners submits that for non-compliance of the peremptory order, M.A. No.782 of 2018 was dismissed for default on 25.05.2023 for non-compliance of the order dated 10.05.2023. He further submits that in the said M.A., there is defect with regard to filing of the certified copy of the order. He submits that the certified copy of the order could not obtain within time from the Railway Claims Tribunal, Ranchi and, as such, the delay has occurred.

3. The Court finds that sufficient ground is made out to condone the delay and, as such, the delay of 297 days in filing the present petition is condoned.

4. Accordingly, I.A. No.8955 of 2024 is allowed and disposed of.

5. It has been pointed out that in M.A. No.782 of 2018, notice has not been issued upon the opposite party and at the defect stage, it has been

dismissed for non-compliance of the peremptory order.

6. The Court finds that sufficient ground is made out to restore the said M.A. and, as such, M.A. No.782 of 2018 is restored to its original file.

7. Accordingly, this C.M.P. is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Ajay/