IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No.1010 of 2026

Neha Tiwary @ Neha Kumari, aged about 32 years, W/o Manish Kumar Shandlya, D/o Din Bandhu Upadhyaya, R/o Nap Tol Office, Binod Nagar, Chiragora, Dhanbad, P.O.+P.S.-Dhanbad, Jharkhand 826001

Current Address R/o-C/o Dinbandhu Upadhyay, New Colony, Hthgarh by pass road, Bandhdih near Dindayal Kaushal Kendra Kunda, P.O.-Karnibag, P.S.-Kundra, Dist. Deoghar, Jharkhand 814143 ... **Petitioner**

Versus

Manish Kumar Shandlya, aged about 34 years, S/o Dayanand Tiwary, R/o behind Shruti Distributor, Kusum Bihar, P.O. Koylanagar, P.S. Saraidhela, Dist. Dhanbad, Jharkhand ... **Opposite Party**

Coram: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Petitioner : Mr. Kundan Kumar, Advocate
For the Opp. Party :

Order No.02/Dated: 15.09.2026

I.A. No. 2082 of 2026

1. This interlocutory application has been preferred under Section 5 of the Limitation Act for condoning the delay of 12 days in preferring the instant appeal.

2. Heard learned counsel for the petitioner.

3. Considering the sufficient cause as has been referred in this interlocutory application, the delay of 12 days in preferring the appeal is, hereby, condoned.

4. Accordingly, I.A. No. 2082 of 2026 stands allowed.

C.M.P. No. 1010 of 2026

5. The instant petition has been filed for restoration of First Appeal being, F.A. No. 7695 of 2024 which has been dismissed for default on 01.12.2025 for non-compliance of the peremptory order dated 17th November, 2025.

6. The reason has been assigned in this petition that the Oath Commissioner who had originally signed and verified the affidavits at the time of filing of the appeal was not functioning and was not available in the High Court during the relevant period and, therefore, fresh verification and attestation as required by the Registry could not be obtained within time.

7. It has been submitted that if the First Appeal is not restored to its original file, then the petitioner will suffer an irreparable loss and injury.

8. This Court having heard the learned counsel for the petitioner and taking into consideration the reasons assigned in the said paragraph of the instant petition, is of the view that the First Appeal being, F.A. No. 7695 of 2024 is to be restored to its original file, subject to removal of all the defects within two weeks.

9. Considering the aforesaid fact, the instant petition is allowed.

10. F.A. No. 7695 of 2024 is restored to its original file, subject to removal of all the defects within two weeks.

11. Accordingly, C.M.P. No.1010 of 2026 stands disposed of.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

15th September, 2026
R.K/Rajnish
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