IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 13 of 2018

1. Bharat Coking Coal Limited through its Chairman-cum-Managing Director, Koyla Bhawan, P.O.- Koyla Nagar, P.S. - Saraidhela, District - Dhanbad.
2. The Director (Personnel), Bharat Coking Coal Ltd., Koyla Bhawan, P.O.- Koyla Nagar, P.S. -Saraidhela, District - Dhanbad.
3. General Manager, Kusunda Area, Bharat Coking Coal Ltd., P.O.- Kusunda, P.S.- Kenduadih, District - Dhanbad.
4. Project Officer, Godhur Colliery, Bharat Coking Coal Ltd., P.O. - Kusunda, P.S.-Kenduadih, District -Dhanbad.
5. Manager, Godhur Colliery, Bharat Coking Coal Ltd., P.O.- Kusunda, P.S.-Kenduadih, District-Dhanbad. ... Appellants

Versus

1. Ram Dular Kumhar, son of Late Hari Pado Kumhar, resident of Village-Nawadih Basti, P.O. B - Polytechnic, P.S. - Dhanbad, District - Dhanbad
2. Kapil Dhobi, son of Late Laldhari Dhobi, resident of Bhuli, 'D' Block, Sector-IX, Qr. No. 44, P.O.- Bhuli, P.S.- Bank More, District - Dhanbad.
3. Ajit Singh, son of Late Ujgar Singh, resident of Bhuli Township, Qr. No. C-476, P.O.- Bhuli, P.S. -Bhuli, District - Dhanbad.
4. Kalo Rawani, son of Late Somar Rawani, resident of Godhar Basti, P.O. -Kusunda, P.S. - Kunduadih, District - Dhanbad.
5. Arjun Singh, son of Late Pokhan Singh, resident of Godhar 26 No., Telecommunication Colony, Qr. No. A/2, P.O.- Kusunda, P.S.- Kenduadih, District- Dhanbad.
6. Dinesh Rawani, son of Late Kisun Rawani, resident of Village - Khairkabad, P.O.- Kusunda, P.S.-Kenduadih, District – Dhanbad..
7.Prakash Mallah, son of Late Amrit Mallah, Qr. No. J/5,r, resident of Village - Khairkabad, New Colony, P.O.- Kusunda, P.S.- Kenduadih, District- Dhanbad.
8. Mohan Rawani, son of Late Haribol Rawani, resident of Village - Godhar Basti, P.O. - Kusunda, P.S.- Kenduadih, District - Dhanbad.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants: Mr. Shubham Malviya, Advocate

16/Dated: 29.10.2026

1. Heard Mr Shubham Malviya, learned counsel for the appellants.

2. This appeal was filed on 09.01.2018 and, to date, remains pending admission primarily due to non-service upon the respondents.

3. The record shows that the appeal has already been dismissed as against respondent Nos. 2, 3 and 7 for non-compliance with peremptory order dated 08.08.2019.

4. On 31.08.2020, on behalf of the appellants, it was contended that C.M.P. No. 294 of 2020 has been filed for restoration of the appeal as against respondent Nos. 2, 3 and 7. Accordingly, the matter was directed to be listed after the disposal of C.M.P. No. 294 of 2020.

5. On 01.02.2024, this Court noted that no steps had been taken to clear the defects pointed out by the Registry with regard to C.M.P. No. 294 of 2020 and the I.A. therein. The order dated 01.02.2024 notes that despite opportunities, the defects were not being cleared.

6. The contents of the order dated 01.02.2024 made in C.M.P. No.294 of 2020 and I.A. No. 4130 of 2020 are transcribed below for the convenience of reference:-

> "*It appears that even after time having been granted by the learned Lawazima Board of Joint Registrar (Judl.) and learned Registrar General vide order dated 12.08.2021 and 10.12.2021, respectively, the defects have not been removed.*
>
> *However, one week's time is granted to the learned counsel to remove the defects, as pointed out by the office, failing which, this civil misc. petition shall stand dismissed without further reference to the Bench.*
>
> *The reason for passing peremptory order is that the restoration application is of the year, 2020 and still it is defective.*
>
> *Hence, this Court deems it fit and proper to pass peremptory order for removal of the defects."*

7. Despite the above-referred peremptory order, since the defects were not cleared, even C.M.P. No.294 of 2020 stood dismissed for non-prosecution. This is also reflected on the website maintained by this Court.

8. From the perusal of the order, which is impugned in this appeal, we find that the same is not severable. Therefore, if the appeal stands dismissed as against respondent Nos. 2, 3 and 7, there is no scope for further entertaining this appeal as against the other respondents. Such entertainment would result in contradictory orders, even if we found any merit in the appellants' contentions.

9. Accordingly, for the above reason, we dismiss this appeal without any order for costs.

10. I.As., if any, pending in this appeal will not survive and are hereby disposed of.

(M. S. Sonak, C.J.)

(Anubha Rawat Choudhary, J.)

29.10.2026
N.A.F.R.
APK/VK
Uploaded on 03.11.2026