IN THE HIGH COURT OF JHARKHAND AT RANCHI
CMP No. 1088 of 2023

1. Dilsad Ansari, aged about 53 years, son of Late Md. Hussain,
2. Noushad Ansari @ Naushad Ansari, aged about 45 years, son of Late Md. Hussain,
   Both are resident of village-Sekha, Chek, Nayabasti, P.o-Kalyanchak, P.S-Rajmahal, District-Sahibganj, Jharkhand.
3. Munni Nisa Ansari, aged about 50 years, W/o Late Aslam Ansari,
4. Tasrif Ansari, aged about 25 years, S/o Late Aslam Ansari
5. Naseem Ansari, aged about 22 years, S/o Late Aslam Ansari
   All R/o Sekha, Chek, Nayabasti, P.o-Kalyanchak, P.S-Rajmahal, District-Sahibganj, Jharkhand … Petitioners

Versus

1. Jitni Devi, Daughter of Late karmi Ghatwarin, Resident of Village Koradih, P.o + P.S- Ranga, District- Sahibganj, Jharkhand.
2. Umeshwar Rai, of karmi Son Ghatwarin resident of village-Anguthia, P.O and P.S-Hiranpur, District-Pakur, Jharkhand.

… Opp. Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Din Dayal Saha , Adv.
For the O.Ps. : Mr. Manoj Kr. Choubey , Adv.
Mr. Pradeep Kr. Choubey , Adv.

05 / 18.09.2026 **I.A. No. 17458 of 2025**

Heard the parties.

Learned counsel for the petitioners submits that this interlocutory application has been filed with the prayer to condone the delay of 124 days in filing this civil miscellaneous petition. It is further submitted that due to miscommunication, the civil miscellaneous petition could not be filed within time and the same resulted in delay and

unless the delay is condoned, the petitioners will be highly prejudiced.

Learned counsel for the opposite party opposes the prayer of the petitioner.

Considering the facts and circumstances of the case, the delay in filing the civil miscellaneous petition is condoned.

This interlocutory application is disposed of accordingly.

(**ANIL KUMAR CHOUDHARY, J.)**

CMP No. 1088 of 2023

This civil miscellaneous petition has been filed at the instance of the petitioners for restoration of S.A. No. 24 of 2020 to its original file.

Learned counsel for the petitioners submits that the S.A. No. 24 of 2020 was dismissed vide order dated 15.03.2023, for non-compliance of the order of removing the defect within the peremptory period. Learned counsel for the petitioners submits that due to inadvertence, the petitioner could not remove the defect in time, which resulted in dismissal of S.A. No. 24 of 2020. It is further submitted that the petitioners have very good grounds to agitate in this case and unless the same is restored to its original file, the petitioners will be highly prejudiced. Hence, it is submitted that S.A. No. 24 of 2020 be restored to its original file.

Learned counsel for the opposite party submits that the opposite party has been harassed by the petitioners by delaying the matter, hence, stringent conditions imposed upon the petitioner to desist from adopting such tactics in future.

Considering the facts of the case and the aforesaid submission of the learned counsel for the petitioners, S.A. No. 24 of 2020 is directed to be restored to its original file subject to deposit of Rs. 5,000/- by the petitioners with the JHALSA as also showing the proof of filing the service of the copy of

the appeal memo along with all Annexures of the S.A. No. 24 of 2020 upon the learned counsel for the opp. Parties appearing in record within four weeks, failing which, this conditional order shall not be given effect to and S.A. No. 24 of 2020 shall remain dismissed without further reference to the Bench.

In case, the petitioners file the proof of deposit of Rs. 5,000/-with the JHALSA and also filing the proof of the service of the copy of the appeal memo along with all Annexures of the S.A. No. 24 of 2020 upon the learned counsel for the opp. Parties appearing in record, S.A. No. 24 of 2020 be restored to its original file and S.A. No. 24 of 2020 be listed after a week of the said payment before the appropriate bench; failing which this conditional order shall not be given effect to and S.A. No. 24 of 2020 shall remain dismissed.

This civil miscellaneous petition is disposed of accordingly.

(**ANIL KUMAR CHOUDHARY, J.)**

Dated 18.09.2026
Smita/-