IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 739 of 2026

Bikash Singh Chaudhary ... ... **Petitioner**

Versus

The State of Jharkhand & Anr. …… **Opp. Parties**

CORAM:HON'BLE MR. JUSTICE PRADEEP KUMARSRIVASTAVA

For the Petitioner :Mr. Niranjan Kumar, Advocate
For the BCCL : Mr. Indrajit Sinha, Adv.
Mr. Kaushik Chakraborty, Advocate
Mr. Arpan Mishra, Adv.
For the State : Mr. Sachin Kumar, AC to SC-I

Order No. 06/ Dated: 17th September, 2026

I.A. No. 9675 of 2026

Learned counsel for the parties is present.

2. Learned counsel for the petitioner pressing the above I.A. submits that there is a delay of 787 days in filing this C.M.P. for restoration of F.A. No. 48 of 2016 which was dismissed for non-prosecution on 19.09.2023. It is further submitted that there is no willful and deliberate default on the part of the petitioner. It is further submitted that on 19.12.2025, the petitioner enquired about the status of F.A. for final hearing, then, he came to know that the same has already been dismissed for default on 19.09.2023 and prior to 19.12.2025, petitioner had no knowledge about the dismissal of the F.A. Therefore, petitioner has immediately filed the restoration application on 22.12.2025 which is within time from the date of knowledge. Therefore, delay caused in preferring this C.M.P. may be condoned.

3. On the other hand, Learned A.C. to S.C.-I as well as Learned counsel appearing for BCCL have strenuously opposed the prayer for petitioner on the ground that there is inordinate delay in filing this C.M.P. without any explanation which is not maintainable in the eye of law and liable to be dismissed

4. Considering the aforesaid submissions, the delay in filing the present C.M.P. is hereby condoned. Consequently. I.A. No. 9675 of 2026 is allowed.

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5. The present C.M.P. has been filed with a prayer to restore F.A. No. 48 of 2026 which was dismissed for default on 19.09.2023 by this Court.

6. Learned counsel appearing for the petitioner submits that on 19.09.2023, when the case was called out, the then, learned counsel for the petitioner did not appear because the case was not entered into the cause-list diary of Advocate Clerk. It is further submitted that the petitioner is a poor villager whose land having area of 2.48 Acres was acquired by the land acquisition officer wherein the rate was mentioned at the rate of Rs. 26,250/- per decimal but the officer wrongly awarded at the rate of Rs. 9,548/- per decimal for the entire land of 2.48 Acres. The reference made to the learned Land Acquisition Judge, Dhanbad was also dismissed which has been assailed in this F.A. No. 48 of 2026 by the petitioner. If the appeal is not restored to its original file, the petitioner shall sustain substantial loss, hence, this C.M.P. may be allowed for the ends of justice.

7. On the other hand, Learned A.C. to S.C.-I as well as Learned counsel appearing for BCCL have opposed the prayer for petitioner.

8. Considering the aforesaid facts and circumstances of this case and also in view of the substantive justice, the F.A. No. 48 of 2016 is restored to its original file recalling the order dated 19.09.2023 passed by this Court.

9. In result, the present C.M.P. is allowed.

10. There is no necessity to issue fresh notice upon the respondents in the F.A. No. 48 of 2016. Let F.A. No. 48 of 2016 be listed under the same heading.

(Pradeep Kumar Srivastava, J.)

17.09.2026
Basant
Uploaded on 17/09/2026