

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No. 90 of 2016

Meera Devi

..... Petitioner

Versus

1.Rajendra Prasad Pal

2.Birendra Pal

..... Opp. Parties

**CORAM : HON'BLE DR. JUSTICE S.N. PATHAK
HON'BLE MR. JUSTICE NAVNEET KUMAR**

For the Petitioner : Mr. Nehru Mahto, Advocate
For the O.Ps. : Mr. Pankaj Kumar, Advocate
Ms. Khushboo Kumari, Advocate

10/ 08.08.2024 Present C.M.P. has been filed for restoration of F.A. No.104 of 2012 to its original file, which has been dismissed for default on 01.02.2016, due to non-appearance of the counsel for the appellant/petitioner, when the appeal was called out for hearing.

Learned counsel for the petitioner very fairly submits that non-appearance of the counsel for the appellant/petitioner before the Division Bench was neither deliberate nor intentional and it happened due to compelling circumstances. Learned counsel further submits that petitioner has a good case on merit and if the instant First Appeal is not restored to its original file, the petitioner shall suffer irreparable loss and injury and for the ends of justice, the instant C.M.P. may be allowed.

Learned counsel for the O.Ps. does not object for the same.

Having heard the submissions of the petitioner and on being satisfied with the cause-shown in the C.M.P., let F.A. No.104 of 2012 be restored to its original file.

Accordingly, the instant petition stands allowed.

(Dr. S. N. Pathak, J.)

(Navneet Kumar, J.)