

THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 03 of 2022

Pramila Devi & Ors. Petitioners
 Versus
Shailendra Kumar & Anr. Opp. Parties

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Petitioners : Ms. Saumya Pandey, Advocate
For the O. P. No. 2 : Mr. Bibhash Sinha, Advocate

Order No. 04/Dated 14th June, 2024

This C.M.P. has been filed for restoration of Miscellaneous Appeal No. 365 of 2019, which was dismissed for default on 28.02.2020 for non-compliance of peremptory order dated 31.01.2020.

Learned counsel for the petitioners started his argument by making submission that the petitioners are having a very good case in the appeal and husband of the petitioner no. 1 died and the petitioner nos. 2 and 3 are the sons of the petitioner no. 1. Further, submission has been made that non-removal of defect was neither intentional nor deliberate one.

Upon aforesaid premise, prayer for restoration of above said miscellaneous appeal being M.A. No. 365 of 2019 has been made.

Objection has been raised on behalf of O.P. No. 2 on the premise that present C.M.P. No. 03 of 2022 has been filed after elapse of more than a year.

In rebuttal, learned counsel for petitioner submitted that delay is on account of prevailing Pandemic Covid - 19, as

such, no delay is pointed out by the office in filing the present C.M.P.

Considering the submission advanced on behalf of both the sides and going through the averments made in the petition, C.M.P. No. 03 of 2022 is allowed and accordingly, M.A. No. 365 of 2019 is restored to its original file.

Accordingly, the instant C.M.P. No. 03 of 2022 is disposed of.

(Arun Kumar Rai, J.)

Umesh/-