

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C. M. P. No. 58 of 2024

1. Sri Holigiri Goswami, aged about 68 years, S/o Late Mahadeo Giri Goswami
2. Smt. Sarda Devi, aged about 63 years, W/o Holigiri Goswami
Both R/o Village- Hinoo, in the house of Karma Oraon, PO-
Doranda, PS-Doranda, District- Ranchi.

. Petitioners

Versus

Smt. Mithu Devi, W/o Mahavir Mirdha and D/o Late Bijay Chandra
Som, R/o Village- Hinoo Basti, PO- Doranda, PS- Doranda, District-
Ranchi. Opposite Party(s)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioners : Mr. R. C. Sahu, Advocate
 Mr. Om Prakash Singh, Advocate
For the Opp. Party(s) : None

05/17.07.2026 Heard learned counsel for the parties.

I.A. No.5697 of 2024.

1. The aforesaid interlocutory application has been filed for condoning the delay of about 760 days in filing the C.M.P. for restoration of Second Appeal.
2. Learned counsel for the petitioners submits that the petitioners have already removed the surviving defects and they were in the impression that they have already complied with the order.
3. It is submitted that in fact in the case status in the website of the High Court, was shown to be pending. However, he has come to know about the said dismissal in the year 2023. On these grounds, he submits that the said delay may kindly be condoned.
4. It transpires from the records of the Second Appeal that learned Registrar General has signed on the file relating to dismissal of the Second Appeal on 30.09.2023 and it further transpires that due to that reason, the status of the Second Appeal was being shown as pending.
5. Accordingly, the delay of about 760 days in filing the aforesaid restoration petition is hereby condoned.
6. The aforesaid I.A. stands allowed and disposed of.

C. M. P. No. 58 of 2024

7. Notice upon sole Opp. Party was issued vide order dated 20.03.2026 and further Vakalatnama has been filed by Mr. Naimuddin Ansari, learned counsel on behalf of sole Opp. Party.

8. On repeated calls, nobody has appeared on behalf of the sole Opp. Party.
9. Vide order dated 12.06.2026, learned counsel for the sole Opp. Party [who filed vakalatnama] did not appear and the matter was adjourned with a view to provide one more opportunity to the sole Opp. Party.
10. The instant C. M. P. has been filed for restoration of Second Appeal No.458 of 2017 to its original file which was dismissed for non-compliance of the peremptory order dated 05.11.2019.
11. Learned counsel for the petitioners submits that all the defects had already been removed and the peremptory time got expired on 03.12.2019. However, one surviving defect was removed by filing deficit court fee on 04.12.2019, as such, in this way, the said Second Appeal got dismissed
12. Taking into account the submissions of learned counsel for the petitioners and considering that sufficient grounds have been made out to restore Second Appeal No.458 of 2017. As such, S.A. No.458 of 2017 is restored to its original file.
13. The instant CMP stands disposed of.

(Sanjay Kumar Dwivedi, J.)

17.07.2026
Sandeep/
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