

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.285 of 2026

1. The State of Jharkhand through Deputy commissioner, Garhwa, PO & PS-Garhwa, Distt.-Garhwa, (Jharkhand).
 2. The Deputy commissioner, Garhwa, PO & PS-Garhwa, Distt. Garhwa, (Jharkhand).
 3. The Block Development Officer, Garhwa, PO & PS-Garhwa, Distt. Garhwa, (Jharkhand).
 4. The Circle Officer, Garhwa, PO & PS- Garhwa, Distt. Garhwa, (Jharkhand).
- ... Petitioners

Versus

1. Vijay Kumar Keshri
2. Ajay Kumar Keshri
3. Gyan Chandra Keshri @ Gyan Keshri
4. Ratan Chandra Keshri

All sons of Late Dhureander Prasad Keshri, All (Sl. 1 to 4), resident of Gulab Bhawan, Sonpurwa, P.O & P.S- Garhwa, Dist. Garhwa, Jharkhand

5. Krishna Kumar Pandey
6. Arun Kumar Pandey

Both sons of Late Ram Parikha Pandey all (Sl. 5 to 6), resident of village Kabisa P.O-Marwaniya P.S- Ramuna Dist.- Garhwa

7. Arjun Kumar Pandey
8. Ravindra Kumar Pandey

Both Sl. No. 7&8, Sons of late Girija Nandan Pandey, resident of village Kabisa, P.O- Marwaniya P.S- Ramuna Dist.- Garhwa

9. Sita Devi D/o late Girija Nandan Pandey, W/o Ram Suresh Pandey, resident of village Kajru Khurd, P.O & P.S Bishrampur, Dist. - Palamau

... Opp. Party(s)

For the Petitioner(s) : Mr. Sanjay Kumar Tiwari, SC-I

For the Opp. Party(s)

No.1,3,7 & 8 : Mr. Arvind Kumar Choudhary, Advocate
Mr. Divya Prakash, Advocate
Ms. S. Tanu Kumari, Advocate

P R E S E N T

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. Though the notice was served upon the opposite parties, but except opposite party No.1,3,7 & 8 other opposite parties did not appear in this case in spite of the notice being served upon them.

3. This CMP has been filed under Article 227 of the Constitution of India with a prayer to quash and set-aside the order dated 30.01.2026 passed by the learned District Judge-III, Garhwa, in Civil Appeal No.23 of 2018, by which the petition dated 10.12.2025 filed under Order XLI Rule 5 of the CPC by the present petitioners for staying the execution of the decree passed in Title Suit No.16 of 2000 by the Civil Judge (Sr. Division-II), Garhwa, has been declined.

4. It is submitted by the learned counsel for the petitioners that in the impugned order dated 30.01.2026, the learned District Judge-III, Garhwa has erroneously mentioned that the appellants, who are the petitioners herein were the plaintiffs and the suit was dismissed at the trial stage. Hence, it is submitted that the said order be quashed and set-aside.

5. Learned counsel for the opposite party No.1,3,7 & 8 fairly submits that the learned District Judge-III, Garhwa in the impugned order passed in C.A. No.23 of 2018 has committed an error apparent on face of the record, but the petition has rightly been rejected. Hence, it is submitted that this CMP, being without any merit, be dismissed.

6. Having heard the submissions of the parties made at the Bar and after going through the materials available on record, this Court finds that the observation of the learned District Judge-III, Garhwa that the appellants, who are petitioners of this Civil Miscellaneous Petition were the plaintiffs and the suit was dismissed at the trial stage is an error apparent on the face of the record. Hence, this Court is of the

considered view that the impugned order dated 30.01.2026 is not sustainable in law, hence the same is quashed and set-aside.

7. Learned District Judge-III, Garhwa is directed to pass a fresh order on the petition dated 10.12.2025 filed by the petitioners herein, who were the appellants before learned District Judge-III, Garhwa after hearing the parties afresh.

8. The CMP is allowed to the aforesaid extent.

9. Pending IA, if any also stand disposed of.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated 15th June 2026
AFR/ R.Kumar
Uploaded on 23.06.2026