

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Filing No.) F.A. 3028 of 2026

Rashmi Prasad and others	...	...	Appellants
	Versus		
Vijay Kumar and Ors.	...	...	Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants	: Mr. Manjul Prasad, Senior Advocate
For the Respondents:	

03/17.07.2026

Learned Senior counsel for the appellants is present. He submits that the office defect is fit to be ignored. The appeal has been filed against order of rejection of the counter claim and the learned court has held that the counter claim itself is not maintainable. He submits that the same amounts to a decree.

2. Learned Senior counsel for the appellants has further submitted that by the order of this Court reported in **2006 SCC OnLine Jhar 492 (Smt. Pushplata Prasad and others Vs. Dilip Kumar Sinha and others)**, the pending proceedings were clubbed together and were directed to be decided by the court of Judicial Commissioner, Ranchi. The impugned order has been passed by the Additional Judicial Commissioner, Ranchi who is of the same rank as that of the Judicial Commissioner and the appellants do not have any other remedy apart from filing appeal before this Court.

3. Learned Senior counsel has further referred to the judgment passed by Hon'ble Calcutta High Court reported in **AIR 1991 Calcutta 53 (Narayan Chandra De Vs. Pratirodh Sahi)** to submit that rejection of counter claim amounts to decree.

4. After hearing the learned counsel for the appellants, the office defect on the point of maintainability of this appeal is ignored for the present subject to any objection that may be raised by the respondents.

5. At this, learned senior counsel for the appellants has submitted that the remaining defects have been removed.

6. Office to proceed.

7. Post this case on 23rd July, 2026 under appropriate heading.

(Anubha Rawat Choudhary, J.)