

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.R. No. 20 of 2024

M/s Shree Khatu Shyamji Cement Manufacturing Pvt Ltd.

..... Petitioner

Versus

The State of Jharkhand & Ors.

..... Respondents

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioner : Mr. Ajit Kumar, Sr. Advocate
Mr. Shashank Shekhar, Advocate
For the Resp-State : Ms. Shalini Shahdeo, AC to SC(M)-I
For the Resp-JIADA : Mr. Chandra G.A. Bardhan, Advocate

4/ 17.05.2024 This revision petition has been filed at the instance of petitioner against the order dated 3.4.2024 passed by Civil Judge (Sr. Division)-X, Dhanbad in Original Suit No. 186 of 2022, by which the learned trial court has rejected the application dated 21.11.2022 filed by the defendant no. 10 / petitioner praying for rejection of the plaint on the ground that plaintiff has neither cause of action nor locus standi to seek specific performance of contract, as also the same is barred by Section 13 of the Special Relief Act, Section 16 of the JIADA Act and Article 59 of the Limitation Act.

2. It has been argued by learned senior counsel for the defendant no.10- petitioner that the trial court has erroneously rejected the application of the petitioner without considering the provisions enshrined in the Special Relief Act as well as Limitation Act.

3. Learned counsel appearing for the respondent- JIADA submits that the land in question belongs to the JIADA.

4. Let notices be issued to the opposite party nos. 4 to 10 in the admission matter, for which requisites etc. must be filed within two weeks after summer vacation through registered cover with A/D, as also under ordinary process.

I.A. No. 4665 of 2024

5. This interlocutory application has been filed for ignoring the defect no. 8 pointed out by the office to the effect the name of presiding officer has not been properly mentioned in the impugned order.

6. In view of the averments made in this interlocutory application and in view of submission advanced by learned senior counsel for the petitioner, the defect no. 8, as pointed out by the office is ignored.

7. This interlocutory application stand allowed.

I.A. No. 4664 of 2024

8. This interlocutory application has been filed for staying the impugned order dated 03.04.2024 passed by Civil Judge (Sr. Division)-X, Dhanbad in Original Suit No. MCA No. 477 of 2022 arising out of Original Suit No. 186 of 2022.

9. In view of the submissions advanced by the learned senior counsel for the petitioner, as also in view of submission of learned counsel for the respondent-JIADA that the land in question belongs to JIADA, it appears that prima facie case is made out and balance of convenience also lies in favour of the petitioner.

10. Further proceeding of MCA No. 477 of 2022 arising out of Original Suit No. 186 of 2022 pending before the Court of Civil Judge (Sr. Division)-X, Dhanbad is hereby stayed till final disposal of this revision petition.

11. This interlocutory application stands allowed.

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

R.Kr.