

[2026:JHHC:22747]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.759 of 2025

Rajendra Mahto, aged about 77 years, Son of Late Baban Mahto,
Resident of Village-Hetkandra, P.O.-Motinagar, P.S.-Sindri,
District-Dhanbad, Jharkhand. ... Petitioner

Versus

1. Biren Mahto.

2. Dhiren Mahto.

Both Sons of Late Baban Mahto, Resident of Village-
Hetkandra, P.O.-Motinagar, P.S.-Sindir, District-Dhanbad,
Jharkhand.

3. Nirmal Mahto

4. Sudha Krishna Mahto,

Both sons of Late Megh Nath Mahto, Resident of Village-
Hetkandra, P.O.-Motinagar, P.S.-Sindri, District-Dhanbad,
Jharkhand.

5. Hemlata Devi, daughter of Late Megh Nath Mahto, Wife of
Ram Krishna Mahto, Resident of Sudamdih Basti, P.O. & P.S.-
Sudamdih, District-Dhanbad.

6. Sulekha Devi, Daughter of Late Megh Nath Mahto, Wife of
Sapan Mahto, Resident of Village-Jhinjhinpahari, P.O. & P.S.-
Katrassarh, District-Dhanbad.

7. Arun Mahto, @ Ashok Mahto.

8. Arjun Mahto

Both Sons of Late Kali Mahto, Resident of Village-Hetkandra,
P.O.- Motinagar, P.S.-Sindri, District-Dhanbad.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner

: Mr. Aditya Banerjee, Advocate.
Mr. Ranjit Soren, Advocate.

For the Opp. Parties

: Mr. Ramchander Sahu, Advocate.

Order No:-04 Dated:-31-07-2026

Heard the parties.

This civil miscellaneous petition has been filed by the petitioner with the prayer for restoration of Second Appeal No. 315 of 2018 to its original file which stood dismissed for non-compliance of the peremptory order dated 09.12.2024 passed by this Court.

It is submitted by the learned counsel for the petitioner that Second Appeal No. 315 of 2018 stood dismissed for non-compliance of the peremptory order dated 09.12.2024 passed by this Court directing the appellant to file the proof of deposit of Rs.2,000/- with the Jharkhand State Legal Services Authority (JHALSA). It is next submitted that due to inadvertence, the said amount could not be deposited within the stipulated time which resulted in dismissal of the said Second Appeal No. 315 of 2018 for non-compliance of the said peremptory order dated 09.12.2024 passed by this Court. It is next submitted that non-compliance of the said peremptory order dated 09.12.2024 was neither deliberate nor intentional. It is further submitted that the said amount has already been deposited as mentioned in Annexure-03 of this C.M.P. It is also submitted that the petitioner has very good grounds to agitate in the said Second Appeal No. 315 of 2018 and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that the Second Appeal No. 315 of 2018 be restored to its original file.

Learned counsel for the opposite parties vehemently opposes the prayer of the petitioner for restoration of the said Second Appeal No. 315 of 2018 and submits that the opposite parties will unnecessarily be harassed if the same is restored to its original file, hence, the opposite parties be compensated adequately.

Considering the aforesaid submission of the learned counsel for the petitioner, Second Appeal No. 315 of 2018 is directed to be restored to its original file at the same stage at which it was before its dismissal subject to payment of cost of Rs.5,000/- by the petitioner to the opposite parties through their counsel appearing in the record within four weeks from the date of this order.

Registry is directed to list Second Appeal No. 315 of 2018 before the concerned Bench after four weeks only if the petitioner files the proof of payment of the cost of Rs.5,000/- to the opposite parties through their counsel appearing in the record within four weeks from the date of this order failing which this conditional order shall not be given effect to and Second Appeal No. 315 of 2018 shall remain dismissed.

This Civil Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated-31.07.2026

-Amar/