

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. no. 1010 of 2023

Sk. Samad, aged about 60 years, son of Late Sk. Zahir, resident of
village- Nagjuwa, P.O. +P.S.- Bhandra, Dist.- Lohardaga
(Jharkhand) ... Petitioner

Versus

Moti Sahu & Ors. ... Opp. Parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Akash Deep, Adv.
For the O.P. no. 3 : Mr. Shashank Saurav, Adv.
Mr. Avinash Prakahar, Adv.

08 / 08.05.2026

Heard the parties.

This Civil Miscellaneous Petition has been filed at the instance of the petitioners for restoration of Second Appeal no. 347 of 2003 to its original file.

Learned counsel for the petitioner submits that the Second Appeal no. 347 of 2003 was dismissed for non-compliance of the order dated 22.08.2022 for payment of cost of Rs. 1,000/- by the appellants to the respondents through the learned counsel for the respondents appearing in the record. Learned counsel for the petitioners submits that due to inadvertence, the said order could not be complied with, which resulted in dismissal of Second Appeal no. 347 of 2003. It is further submitted that the petitioners have very good grounds to agitate in this case and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that Second Appeal no. 347 of 2003 be restored to its original file.

Learned counsel for the opposite party no. 3 submits that the opposite parties have been harassed by the petitioner by delaying the matter, hence, the opposite parties be compensated adequately in terms of cost.

Considering the aforesaid submission of the learned counsel for the petitioner, Second Appeal no. 347 of 2003 is directed to be restored to its original file subject to payment of cost of Rs. 10,000/- by the petitioners to the opposite party no. 3 through his counsel appearing in the record within four weeks, failing which, this conditional order shall not be given effect to and this civil miscellaneous petition shall remain dismissed without further reference to the Bench.

In case, the petitioners file the proof of payment of Rs. 10,000/- to the opposite parties through learned counsel for the opposite party no. 3 appearing in the record, then Second Appeal no. 347 of 2003 be restored to its original file and Second Appeal no. 347 of 2003 be listed after a week of the said payment before the appropriate bench.

This civil miscellaneous petition is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

Dated 08.05.2026
Smita/-