

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.1091 of 2025

Pradeep Kumar Verma	...	Petitioner
Versus		
Sukumar Mandal & Another	...	Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	: Mr. Indrajit Sinha, Advocate Mr. Ankit Vishal, Advocate
For the Opp. Parties	: None

Order No:-03 Dated-30-01-2026

I.A. No.15554 of 2025

Heard the learned counsel for the petitioner.

Though notice has validly been served upon the opposite party Nos.1 and 2 yet no one turns up on behalf of the opposite party No.2.

Learned counsel for the petitioner submits that this interlocutory application has been filed with the prayer to condone the delay of 290 days in filing the instant C.M.P. filed for restoration of Second Appeal No.559 of 2017. It is further submitted by the learned counsel for the petitioner that the said Second Appeal No.559 of 2017 stood dismissed for non-compliance of the peremptory order to deposit Rs.2,000/- by the appellant with the Jharkhand State Legal Services Authority (JHALSA) but due to inadvertence, the said amount could not be deposited within the stipulated time which resulted due to some miscommunication regarding the time period for depositing the aforesaid amount. It is next submitted that the petitioner was unaware about the dismissal of the said Second Appeal No.559 of 2017 and in the last week of August, 2025 when the petitioner contacted his counsel then only he came to know about the dismissal of the said Second Appeal but till then the delay had already occurred. It is next submitted that the delay caused in filing the instant C.M.P. is neither deliberate nor intentional. It is next submitted that the petitioner has very good grounds to agitate in the said Second Appeal No.559 of 2017 and unless the delay in filing the instant C.M.P. is condoned, the petitioners will be highly prejudiced. Hence, it is submitted that the delay of 290 days in filing the instant C.M.P., be condoned.

Considering the facts and circumstances of the case, the delay of 290 days in filing the instant C.M.P. is condoned.

Accordingly, this interlocutory application stands allowed.

(Anil Kumar Choudhary, J.)

C.M.P. No.1091 of 2025

Issue notice to the opposite parties.

The petitioner is directed to file requisites for service of notice upon the opposite parties by speed post as well as under process of the court within a week failing which; this C.M.P. shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case the requisites are filed, list this case after receipt of the service report of the notice issued to the opposite parties.

Learned counsel for the petitioner prays for time to make Dosti service of notice in addition to service of notice in both ways.

The petitioner is directed to file an extra set of requisites for the same within a week failing which; this C.M.P. shall stand dismissed without further reference to the Bench.

If extra set of requisites is filed, notice of this C.M.P. be also handed over to the petitioner as well for effecting personal service of notice.

List this case after receipt of the service report of the notice issued to the opposite parties.

(Anil Kumar Choudhary, J.)