

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 90 of 2026

Shabitri Devi & Ors. **Petitioner(s)**
Versus
Siba Mahli & Ors. **Opp. Party(s)**

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Niraj Kishore, Advocate
For the O.P.(s) :

02/ 19th June, 2026

I.A. No. 1165 of 2026

1. This interlocutory application has been filed by the petitioners praying therein to condone the delay of 2194 days in preferring the instant restoration application.

2. It has been mentioned that the case was in fact handed over in the office of Senior Advocate Mr. V. Shivnath. The appeal filed with the signature of Advocate Mr. Birendra Kumar. Later on, in the Second Appeal, the defects were not removed, which resulted in dismissal of the case. Thereafter, Mr. Birendra Kumar, Advocate left the saresta of Mr. V. Shivnath, Sr. Advocate and started his own independent practice in the year 2016. Further, Mr. V. Shivnath fell ill and ultimately, he died on October, 2025. Only after the death of Mr. V. Shivnath and coming to know about the aforesaid facts, the appellants came to make an enquiry about the case. They came to know that the case was dismissed long back and there was a confusion because the name of Mr. Birendra Kumar was appearing in the list.

3. Considering the said submission, delay of 2194 days in preferring the Second Appeal is condoned.

4. This interlocutory application stands **allowed**.

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5. List this case under the heading for "**Admission**".

(ANANDA SEN, J.)