

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.866 of 2022

1. Satya Narain Pandey, aged about 53 years, son of Late Sukhdeo Pandey,
2. Ashok Pandey @ Sanjay Pandey, aged about 46 years son of Late Sukhdeo Pandey,
3. Poonam Masomat, W/o Late Saroj Pandey, aged about 39 years, daughter-in-law of Late Sukhdeo Pandey.
All are residents of Village Nagwa, P.O. and P.S.-Chatra, District-Chatra, Jharkhand.
4. Smt. Gayatri Devi, aged about 58 years, wife of Awadh Bihari Tiwari, resident of Village Sharma Bazar, Dobhi, P.O. and P.S.-Dobhi, District-Gaya, Bihar. At present resident of Village Nagwa, P.O. and P.S.-Chatra, District-Chatra, Jharkhand.

... Petitioners

Versus

1. Smt. Dropadi Devi wife of Late Gopal Prasad, resident of Marwari Mohalla, P.O. and P.S.-Sadar, District-Chatra.
2. Shri Arjun Prasad.
3. Shri Ashok Kumar.
4. Anil Kumar.
All sons of Late Gopal Prasad.
5. Savitri Devi
6. Smt. Shila Devi
7. Smt. Bina Devi
8. Smt. Sidhi Devi
9. Smt. Reena Devi
10. Smt. Meena Devi.
11. Smt. Neelam Kumari
All daughters of Late Gopal Prasad, resident of Marwari Mohalla, Chatra, P.O. and P.S.-Chatra, District-Chatra.
12. Awadh Bihari Tiwari, son of name not known, resident of Village Sharma Bazar, Dohbi, P.O. and P.S.-Dohbi, District-Gaya, at present residing at Village Nagwa, P.O. and P.S.-Chatra, District Chatra.
13. Bibi Rehana Khatoon wife of Md. Reyasat Mian, resident of Village Nagwa, P.O. and P.S.-Chatra, District-Chatra.
14. Mahendra Prasad Singh, son of Late Babu Lalo Singh by profession service as Hawaldar Posted, resident of Chatra, P.O. and P.S.-Chatra, District-Chatra.
15. Binod Sahu son of Shri Bandhan Sahu, resident of Village Lutidih, P.O. & P.S.-Simaria, District-Chatra.
16. Pradeep Kumar Singh, son of Gopal Singh, resident of Village Fulwaria, P.O. & P.S.-Tandwa, District-Chatra.

... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. H.K. Shikarwar, Advocate
For the OPs : Mr. Sumit Kumar, Advocate
: Mr. Kundan Kr. Ambastha, Advocate

Order No:-12 Dated:-14-08-2026

Heard the parties.

Learned counsel for the petitioner's drawing attention of this Court to the Supplementary Affidavit submits that since the substituted service of notice by publishing the content of the notice in the daily newspaper-Prabhat Khabar, Hazaribagh Edition dated 30.06.2026 has been made. Hence, the service of notice upon the opposite party no.05 to 12 & 14 is sufficient. No one turns up on behalf of the opposite party no.05 to 12 & 14 in spite of repeated calls.

This civil miscellaneous petition has been filed by the petitioners with the prayer for restoration of Second Appeal No.86 of 2007 to its original file; which stood dismissed for non-compliance of the order dated 28.07.2022.

It is submitted by the learned counsel for the petitioners that Second Appeal No.86 of 2007 stood dismissed for non-compliance of the order dated 28.07.2022. It is next submitted that due to inadvertent mistake on the part of the Advocate's Clerk, the learned counsel for the petitioners could not pay Rs.1,000/- to the learned counsel for the opposite parties appearing in the record within the stipulated time; which resulted in dismissal of the said Second Appeal No.86 of 2007 for non-compliance of the order dated 28.07.2022. It is next submitted that non-compliance of the said order dated 28.07.2022 was neither deliberate nor intentional. It is also submitted that the petitioners have very good grounds to agitate in the said Second Appeal No.86 of 2007 and unless the same is restored to its original file, the petitioners will be highly prejudiced. Hence, it is submitted that the Second Appeal No.86 of 2007 be restored to its original file.

Considering the aforesaid submission of the learned counsel for the petitioners and the facts and circumstances of this case, Second Appeal

No.86 of 2007 is directed to be restored to its original file at the same stage at which it was before its dismissal.

Registry is directed to list Second Appeal No.86 of 2007 before the concerned Bench after a week.

This Civil Miscellaneous Petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

14/08/2026
Abhiraj/