
(2020) 09 JH CK 0206

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 4249 Of 2019

Ambika Goswami

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 25-09-2020

Acts Referred:

Citation : (2020) 09 JH CK 0206

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Sudhansu S. Choudhary, Praveen Kr. Appu

Final Decision : Disposed Of

Judgement

Heard the parties through video conferencing. Though notice was issued to the opposite party No.2 yet no one joins the video conferencing on behalf of the opposite party No.2 in spite of repeated calls.

This criminal miscellaneous petition has been filed by the petitioner with a prayer for restoration of A.B.A. No.1591 of 2019 to its original file which stood dismissed for default for non-compliance of the peremptory order dated 29.03.2019.

It is submitted by the learned counsel for the petitioner that A.B.A. No.1591 of 2019 was listed on 29.03.2019 before this Court but on that date a peremptory order was passed to file supplementary affidavit annexing therewith the papers of partition between the parties prepared on 13.04.1983 but the said supplementary affidavit could not be filed within the stipulated time which resulted in dismissal of A.B.A. No.1591 of 2019. It is further submitted that the previous counsel for the petitioner without seeking instructions from the client made an incorrect submission that he will file a supplementary affidavit annexing therewith the papers of partition between the parties prepared on 13.04.1983 but the partition before the Panch between the parties has taken place on 07.05.2006 and the same has been filed in this case. It is next submitted that

the petitioner has very good grounds to agitate in the said A.B.A. No.1591 of 2019 and unless the same is restored to its original file, the petitioner will be highly prejudiced. Hence, it is submitted that the A.B.A. No.1591 of 2019 be restored to its original file.

Learned Adl.P.P. appearing for the State has not raised any serious objection.

Considering the aforesaid submission of the learned counsel for the petitioner, A.B.A. No.1591 of 2019 is directed to be restored to its original file.

Registry is directed to list A.B.A. No.1591 of 2019 under the appropriate heading after a week.

This criminal miscellaneous petition is disposed of accordingly.