
(2025) 11 JH CK 1854

In the Jharkhand High Court

Case No : Civil Miscellaneous Petition No. 288 Of 2024

Brahmadeo Biswas, S/O Late Charu Chandra Biswas

APPELLANT

Vs

Sumitra Singh, W/o Late Abhimanyu Singh Choudhary

RESPONDENT

Date of Decision : 07-11-2025

Acts Referred:

Citation : (2025) 11 JH CK 1854

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Jitesh Kumar, Vinita Prakash

Final Decision : Disposed Of

Judgement

Anubha Rawat Choudhary, J

I.A. No. 12918 of 2025

1. This interlocutory application has been filed seeking condonation of delay of 555 days in filing the petitioner for restoration being C.M.P. No. 776 of 2019 which was dismissed on 26.08.2022 due to non-compliance of order dated 05.08.2022.

2. Learned counsel for the petitioner has submitted that the petitioner is aged about 75 years and he could not make pairvi during the stipulated time and ultimately the case has been filed before this Court through her constituted power of attorney on 21.03.2024.

3. Learned counsel submits that the original power of attorney has been deposited before this Court.

4. Learned counsel appearing on behalf of all the respondents submits that she has no objection so far as the prayer for condonation of delay is concerned.

5. Considering the averments made in interlocutory application, the prayer for condonation made in I.A. No. 12918 of 2025 is allowed.

6. Learned counsel for the petitioner has submitted that this petition has been filed for restoration of C.M.P No. 776 of 2019 which was dismissed on 26.08.2022 due to non-compliance of order dated 05.08.2022. Learned counsel for the petitioner has submitted that the petitioner is of old age about 75 years and the petitioner could not make pairvi within the stipulated time and is also suffering from various ailments and the petition has now been filed through power of attorney.

7. Learned counsel for the respondents has no objection to the prayer for restoration.

8. After hearing the learned counsel for the parties and satisfied with the cause shown, time for removal of defect in C.M.P. No. 776 of 2019 is extended till 12th December, 2025.

9. If the defects in C.M.P. No. 776 of 2019 is removed within stipulated time, the office is directed to place the C.M.P No. 776 of 2019 before the appropriate bench on 17th December, 2025.

10. This CMP is accordingly disposed of.