

(2011) 09 SC CK 0106

In the Supreme Court Of India

Case No : Civil Appeal No. 8310 of 2011 (Arising out of SLP (C) No. 27482 of 2011) and (CC No. 14798 of 2011)

State of Jharkhand

APPELLANT

Vs

Vishwanath Dubey and Others

RESPONDENT

Date of Decision : 26-09-2011

Acts Referred:

Citation : (2011) 09 SC CK 0106

Hon'ble Judges : Deepak Verma, J; Dalveer Bhandari, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Delay condoned. Leave granted.
2. We have heard the Learned Counsel for the parties.
3. The Letters Patent Appeal filed by State of Jharkhand was dismissed by the High Court as being defective. The Division Bench of the High Court of Jharkhand at Ranchi has observed that none appeared for the State Government even on the second round and no care was taken on behalf of the State to remove the defects, which showed the indifference of the State agency to prosecute the appeal.
4. The State filed an application for restoration and when the application for restoration was taken up on 7th March, 2011, no one appeared for the Appellant and as a result thereof, the application for restoration came to be rejected. This appeal, by special leave, has been preferred against the rejection of the restoration application.
5. Learned Counsel for the Appellant submits that the counsel for the Appellant could not appear on 7th March, 2011, because his name did not appear in the cause list. In this view of the matter, we set aside the impugned order subject to payment of costs of Rs. 5,000/- by the Appellant to be deposited before the High

Court within two weeks from today.

6. We further direct that the State shall remove the defects within two weeks from today and if the same are not removed within the said period, this order would be of no avail to the Appellant.

7. We request the High Court to hear the appeal and dispose of the same as expeditiously as possible.

8. This appeal is disposed of with the aforementioned observations and direction.