IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P. No. 107 of 2012

Mahadeo Mahto & Anr. .... Petitioners

Vs.

Union of India & Ors.... ... ... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE.
HON'BLE MR. JUSTICE APARESH KUMAR SINGH.

For the Petitioners: Mr. Sanjay Prasad, Advocate
For the Respondents: Mr. Kautav Panda, Advocate

------ Dated 20th December, 2013

Heard learned counsel for the petitioners as well as respondents.

2. The present restoration application has been preferred seeking restoration of the earlier restoration application, being C.M.P. No. 346 of 2010, which was dismissed for default. The said C.M.P. No. 346 of 2010 in turn was preferred for restoration of L.P.A. No. 192 of 2009, which was also dismissed for non-prosecution on 27.07.2010.

3. On perusal of the record of L.P.A., it reveals that the L.P.A. itself was dismissed on the third occasion, as also on the earlier occasion there was no representation on the part of the appellant and on the fateful date even in the revised list, no one appeared on behalf of appellant on both calls. The earlier restoration application, C.M.P. No. 346 of 2010 was again dismissed for non-prosecution on

29.02.2012, as no one appeared on behalf of petitioners to press the same. Petitioners has now sought restoration of the earlier C.M.P, which as aforesaid was dismissed for default.

4. Learned counsel for the petitioners has sought to make out a ground that he could not attend the court on account of illness in his family. It further appears from the conduct of the petitioners that he was not vigilant in pursuing the matter, which has led to dismissal of the L.P.A as well as earlier restoration petition for default.

Under these circumstances, we do not find any reason to allow this C.M.P, which is accordingly dismissed.

(R. Banumathi, C.J.)

(Aparesh Kumar Singh, J)

Alankar/Sudhir-