

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
C.M.P. No.273 of 2013**

Kunal Kumar ..... petitioner  
Versus .....  
The State of Jharkhand. ..... Opp. Party.  
.....

**CORAM : HON'BLE MR. JUSTICE NARENDRA NATH TIWARI**

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For the petitioner : Mr. Jay Prakash Pandey  
For the State : Mr. Abdul Allam  
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**04/29.11.2013:** In this petition, the petitioner has prayed for restoration of W.P.(S) No.1128/2013 which was dismissed for non-compliance of the peremptory order dated 8.5.2013.

It has been submitted that the order dated 8.5.2013 was to be complied with immediately, but the petitioner's counsel, who had to remove the defect, fell seriously ill and the said order could not be complied with within the prescribed period. On recovery from illness the defects were removed without any delay but for non-compliance of the order within the peremptory period, the writ petition stood dismissed.

It has been submitted that there was no wilful laches or negligence on the part of the petitioner or his counsel and the step could not be taken within the prescribed period under the aforesaid circumstance.

Learned counsel appearing on behalf of the opposite party has not controverted the said facts and contentions and has not opposed the petition.

Considering the said admitted position, this Court finds that there was no intentional delay or deliberate negligence on the part of the petitioner in not taking steps in the writ petition within the prescribed time and he was prevented from doing so under the aforesaid circumstance, beyond his control.

This C.M.P. is allowed. W.P.(S) No.1128 of 2013 is restored to its original file and stage.

The date of compliance of the order dated 8.5.2013 is extended till the date, the same was complied with.

**(Narendra Nath Tiwari, J)**

Shamim/-