

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 91 of 2020**

Smita Jaiswal @ Soni Jaiswal **Petitioner**
Versus
Rajnish Choudhary **Opp. Party**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the petitioner :Mr. H.K. Shikarwar, Advocate
For the O.P. :Mr. Nitish Krishna, Advocate

07/Dated: 26.02.2021
I.A. No.1696 of 2020

1. This interlocutory application has been filed under Section 5 of the Limitation Act for condoning the delay of 634 days in preferring the present civil miscellaneous petition.
2. Learned counsel for O.P., has vehemently opposed.
3. Heard. In view of the reasons assigned in para 9 of the supporting affidavit the delay is condoned with the condition that the petitioner shall deposit Rs.1000/- (one thousand) before the Member Secretary, JHALSA, Nyaya Sadan, Doranda, Ranchi.
4. I.A. No.1696 of 2020 stands disposed off.

C.M.P. No. 91 of 2020

1. This civil miscellaneous petition has been preferred for restoration of Transfer Petition (Civil) No.20 of 2017, which was dismissed on 12.04.2018 for non-compliance of peremptory order dated 15.03.2018.

2. Learned counsel for the petitioner has submitted that vide order dated 15.03.2018, four weeks time was granted to the petitioner for removing the office defects. However, due to inadvertence the counsel could not communicate the order to the petitioner hence the defects could not be removed within the peremptory period resulting in dismissal of the transfer petition.

It is submitted that there is no deliberate or intentional laches on the part of the petitioner and if the transfer petition is not restored, the petitioner shall suffer irreparable loss and injury.

3. Heard. Being satisfied with the reasons assigned in the supporting affidavit, the civil miscellaneous petition stands allowed accordingly Transfer Petition (Civil) No.20 of 2017 is ordered to be restored to its original file on deposit of cost as ordered in I.A. No.1696 of 2020.

(AMITAV K. GUPTA, J.)