

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
C.M.P. No. 252 of 2020

Their Workmen being represented by Lalan Dubey, Aged about 54 years, Branch Secretary Rastriya Colliery Mazdoor Sangh, Kenduadih Colliery, P.O. & P.S. Kusunda, District Dhanbad ..... Petitioner

**Versus**

Employers in relation to the Management of Kenduadih colliery of M/s BCCL, P.O & P.S-Kusunda, District Dhanbad. ..... Opp. Parties

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**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

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For the Petitioner : Ms. Mahua Palit, Advocate  
: Mr. H.K. Chakabarty, Advocate  
For the Opp. Parties : Mr. Amit Kumar Sinha, Advocate

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**05/Dated: 29<sup>th</sup> September, 2022**

The instant civil misc. petition has been filed for restoration of W.P.(L) No.1744 of 2018 to its original file which stood dismissed for non-prosecution on 10.06.2019.

Learned counsel for the petitioner has submitted that within peremptory time the defects could not be removed, hence the case was dismissed for non-compliance of the order dated 08.05.2019.

It has been submitted that if the writ petition will not be restored, the issue of the writ petition will remain unadjudicated, therefore, it may be restored to its original file so that the matter may be decided on merit.

Learned counsel for the opposite parties has submitted that he has no objection if the writ petition is restored to its original file.

This Court, having heard the learned counsel for the parties and taking into consideration the reason assigned in the civil miscellaneous petition, is of the view that if the writ petition will not be restored to its original file it will be prejudicial to the interest of the petitioner because the issue agitated in the writ petition will not be decided on merit.

Accordingly, the C.M.P No.252 of 2020 is allowed.

In view thereof, the writ petition being W.P.(L) No.1744 of 2018 is restored to its original file.

The period of removal of defects is extended for a week's time after Durga Puja Holidays.

It has been informed by the learned counsel for the petitioner that the steps for removal of defects has been taken, although the same is after the peremptory time, if that be so, office is directed to proceed in accordance with direction as above.

**(Sujit Narayan Prasad, J.)**

Saket/-