

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 5099 of 2014

in

C.M.P. No. 69 of 2014

Central Coalfields Limited, a subsidiary of Coal India Limited and a Government of India Undertaking having its Head Office at Darbhanga House, Ranchi P.S.-Kotwali, P.O.-G.P.O., Ranchi, District-Ranchi through its General Manager (CMC) Sri Alakesh Roy, son of Late Jagdish Roy, residing at Hill View Apartment, Kanke Road, P.O.& P.S.-Gonda, District-Ranchi

.... Petitioner

Versus

M/s Rajdhani Carriers Private Limited, Anandgram, Lane-3, Morabadi Maidan (North), P.O.-Ranchi University, P.S. Gonda, District-Ranchi.

..... Opposite Party

CORAM: HON'BLE MR. JUSTICE D.N. PATEL

For the Petitioner : Mr. Amit Kr. Das, Advocate

For the O.P. : Mr. P.N. Rai, Advocate

06/Dated: 23rd November, 2015

1. The present interlocutory application has been preferred under Section 5 of the Limitation Act, for condoning the delay of 15 days in preferring this Civil Miscellaneous Petition.

2. Having heard counsel for the applicant and looking to the reasons stated in this interlocutory application especially in paragraph no. 5 thereof, there are reasonable reasons for condoning the delay in preferring this Civil Miscellaneous Petition. I therefore, condone the delay in preferring this C.M.P. No. 69 of 2014.

3. Accordingly, I.A. No. 5099 of 2014 is allowed and disposed of.

C.M.P. No. 69 of 2014

1. This Civil Miscellaneous Petition has been preferred for recalling of an order passed by this Court dated 20th December, 2013 in Arbitration Appeal No. 12 of 2012 whereby, four weeks' time was granted to remove the office defects, but, due oversight court fee of Rs. 230/- was not deposited within the aforesaid time limit and therefore, Arbitration Appeal No. 12 of 2012 was dismissed for want of removal of office defects.

2. Counsel appearing for the applicant submitted that this deficit court fee of Rs. 230/- has already been deposited at the time of filing of the C.M.P. before the Registry of this Court.

2.

3. Registrar General of this Court is hereby, directed to instruct his Registry Office not to allow to remove any of the defects after the matter is dismissed for want of removal of office defects, unless the order is passed by the Court because in a disposed of Arbitration Appeal no court fee can be accepted by the Registry of this Court, without order of this Court. This practice is hereby, deprecated. This Court has to recall the earlier order and this Court has to give additional time to the applicant or appellant and thereafter, within the extended time limit the office defects has to be or have to be removed. The practice adopted by the Registry of this Court to allow the parties to remove the office defects after dismissal of the matter should not be continued henceforth.

4. We hereby, permit this appellant to deposit Rs.230/- afresh before this Court in Arbitration Appeal No. 12 of 2012 because we are recalling the order dated 20th December, 2013 today, and giving four weeks' time to remove the office defects. Arbitration Appeal No. 12 of 2012 is restored to its original file with the same number.

5. This C.M.P. is allowed and disposed of.

(D.N. Patel, J.)

VK/