

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C. M. P. No.474 of 2017

Sudip Ghosh @ Rana Ghosh

..... Petitioner

vs.-

Rinki Ghosh

.....Opposite party

CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH

HON'BLE MR. JUSTICE B.B.MANGALMURTI

For the Petitioner

: Mr. Kaushal Kishor Mishra , Adv.

For the Opp. Party

:

4/16.7.2018

Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the First Appeal No. 144 of 2017 was dismissed due to non-compliance of the peremptory order dated 20.11.2017 on failure to remove the defects within the time stipulated. He submits that at the time of filing of appeal, second copy of Memo of Appeal could not be filed due to inadvertence which was the defect pointed out by the Stamp Reporter. Though learned counsel for the appellant took immediate steps to file the second copy of the same, but somehow file got misplaced and there was a delay in filing the same. That is why the First Appeal got dismissed. Petitioner/appellant would suffer irreparably if the appeal is not restored though there may not be any fault on his part.

We have considered the submission of learned counsel for the petitioner and also gone through the explanation furnished therein and on being satisfied with the grounds urged, we are inclined to allow the prayer. Accordingly, First Appeal No. 144 of 2017 is restored to its original file.

Remaining defects in the First Appeal be removed within a period of 2 weeks.

Accordingly, the instant C.M.P. stands disposed of.

(Aparesh Kumar Singh,J)

(B.B. Mangalmurti,J)

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