

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Commercial Appellate Jurisdiction)

Commercial Appeal No. 18 of 2019

The State of Jharkhand, Water Resource Department through its
Executive Engineer Sanjay Ranjan Singh ... **Appellant**

Versus

M/s P. K. Ramaiah & Co. & Anr. ...**Respondents**

**CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MR. JUSTICE RATNAKER BHENGRA**

For the Appellant : Mr. Ashok Kumar Yadav, Sr. SC-I
Mr. Anish Kumar Mishra, AC to Sr. SC-I
For the Respondents : None

Order No. 4/Dated: 17th March 2023

Mr. Ashok Kumar Yadav, the learned Sr. SC-I appearing for the State of Jharkhand submits that the proceeding in Original Suit No. 04 of 2019 was wholly incompetent. The learned Sr. SC-I would further submit that the direction issued in the order dated 8th August 2019 is illegal and could not have been passed in a proceeding challenging the *ex parte* judgment and decree in Money Suit No. 84 of 2004.

Issue notice to the respondents under registered cover with A/D as well as by ordinary process for which requisites etc. must be filed within one week.

Mr. Ashok Kumar Yadav, the learned Sr. SC-I has made out a case for urgency and urges for permission to serve *Dasti* notice.

Permission is granted.

Upon filing of an affidavit of service of notice upon the respondents, post this matter on 13th April 2023.

(Shree Chandrashekhar, J.)

(Ratnaker Bhengra, J.)

Amit/