

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Commercial Appeal No. 18 of 2019

The State of Jharkhand, Water Resource Department through its Executive Engineer Sanjay Ranjan Singh, s/o late Sachichida Nand Sinha, Minor Distribution Division No. 12, Mango, PO and PS Mango (Dimna) Jamshedpur, Jharkhand
.....Appellant

Versus

1.M/s P. K. Ramaiah & Co., a partnership Firm, having its office at 87, Shanti Nagar, Hyderabad, Andhra Pradesh (now Telangana) being represented by its one of the partners namely Shri P. K. Swami, son of late P.K.Ramaiah, by faith Hindu, by occupation Business, resident of Holding No. 38, Road No. 71, Jubilee Hills Navnirman Nagar, PO and PS Jubilee Hills, Telangana

2.Shri Ch. V. Ranga Raju, Executive Director of M/s P. K. Ramaiah & Co., resident of 2.96 Kumari Street, Nawab Pet, PO and PS Nellore, District Nellore, Andhra Pradesh 524002
..... Respondents

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

For the State : Mr. Ashok Kumar Yadav, Sr. SC I
For the Respondents : None

Order No. 5 / Dated: 17th April 2023

In compliance of order dated 17th March 2023 an affidavit on service of dasti notice upon the respondents has not been filed by the State of Jharkhand.

2. This commercial appeal has been filed to challenge the judgment dated 8th August 2019 passed in Original Suit No. 4 of 2019.

3. In the records of this case, we find reference of Miscellaneous Case No. 12 of 1993, Miscellaneous Case No. 09 of 1996 and proceedings before the High Court including in LPA No. 371 of 2000.

4. However, the proceedings and the orders passed in the aforesaid cases have not been brought on record.

5. Just by producing a certified copy of the order dated 8th August 2019 and annexing copy of the order passed in Money Suit No. 84 of 2004, the present commercial appeal has been filed by the State of Jharkhand.

6. This kind of casual approach by the State of Jharkhand puts the public exchequer in peril and also consumes time of the Court unnecessarily inasmuch as adjournments are taken for filing documents and may be an application for amendment for raising additional grounds is also filed.

7. While so, Commercial Appeal No. 18 of 2019 is dismissed with liberty to the State of Jharkhand to file a fresh Commercial Appeal within a period of 30 days with complete records and proper averments.

(Shree Chandrashekhar, J.)

(Ratnaker Bhengra, J.)

Tanuj/-