

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8310 OF 2011
(Arising out of SLP(C) No.27482/2011)
(CC No.14798/2011)

STATE OF JHARKHAND

Appellant(s)

:VERSUS:

VISHWANATH DUBEY & ORS.

Respondent(s)

O R D E R

1. Delay condoned. Leave granted.
2. We have heard the learned counsel for the parties.
3. The Letters Patent Appeal filed by State of Jharkhand was dismissed by the High Court as being defective. The Division Bench of the High Court of Jharkhand at Ranchi has observed that none appeared for the State Government even on the second round and no care was taken on behalf of the State to remove the defects, which showed the indifference of the State agency to prosecute the appeal.
4. The State filed an application for

restoration and when the application for restoration was taken up on 7th March, 2011, no one appeared for the appellant and as a result thereof, the application for restoration came to be rejected. This appeal, by special leave, has been preferred against the rejection of the restoration application.

5. Learned counsel for the appellant submits that the counsel for the appellant could not appear on 7th March, 2011, because his name did not appear in the cause list. In this view of the matter, we set aside the impugned order subject to payment of costs of Rs.5,000/- by the appellant to be deposited before the High Court within two weeks from today.

6. We further direct that the State shall remove the defects within two weeks from today and if the same are not removed within the said period, this order would be of no avail to the appellant.

7. We request the High Court to hear the appeal and dispose of the same as expeditiously as possible.

8. This appeal is disposed of with the
aforementioned observations and direction.

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
September 26, 2011.

