
(2025) 10 JH CK 0030

Jharkhand HC

Case No: Civil Miscellaneous Petition No. 498 Of 2012

Jharkhand State Electricity Board

APPELLANT

Vs

Ram Kishun Sao

RESPONDENT

Date of Decision: Oct. 13, 2025

Hon'ble Judges: Anubha Rawat Choudhary, J

Bench: Single Bench

Advocate: Arun Kumar Dubey, B.R. Rochan, Vineet Prakash,

Final Decision: Allowed

Judgement

Anubha Rawat Choudhary, J

1. This petition has been filed for the restoration of F.A. No.123 of 2007, which was dismissed for non-compliance of the order dated 22.11.2010.
2. The present CMP seeking restoration of the first appeal was filed which was dismissed on 16.08.2014 on account of non-compliance of peremptory order dated 01.08.2014. Consequently, another Civil Miscellaneous Petition was filed for restoration of the present CMP which was numbered as CMP No. 304 of 2014 and the same was allowed by a co-ordinate Bench of this Court and the present CMP has been restored.
3. Vide order dated 19.07.2024 passed in this case it has been recorded that the present Civil Miscellaneous Petition (CMP) has been abated with respect to opposite party nos. 1 and 3. The opposite party no. 2 has expired on 20.04.2025 and the proceeding has abated with respect to opposite party no. 2 also.
4. On 10.10.2025, this Court has inter alia recorded the submissions of the opposite party that arising out of the same land acquisition proceeding and the same impugned judgement, different First Appeals bearing F.A. No. 124 of 2007, F.A. No. 125 of 2007 and F.A. No. 126 of 2007 have been dismissed for non-prosecution and the orders passed in the aforesaid First Appeals have attained finality. It was also submitted that no useful purpose will be served by restoring the First Appeal connected with the present CMP seeking restoration as with respect to the identically

placed persons, the First Appeals have already been dismissed. The learned counsel has also submitted that the land acquisition is of the year 1985 and the claimants have still not received the awarded amount. It was also submitted that the execution proceedings are pending since 2006. It was submitted that the present petition be not allowed and appropriate order be passed. The fact that the petition has abated with respect to opposite party nos. 1 to 3 was also recorded in the order.

5. Upon the aforesaid submissions, office was directed to place the records of F.A. No. 124 of 2007, F.A. No. 125 of 2007 and F.A. No. 126 of 2007 today.

6. The opposite party nos.1 to 4 were all sons of late Huzati Sao, the original awardee in this case.

7. Moreover, from perusal of the records of F.A. No.125 of 2007, it is apparent that the same was filed in connection with L.R. Case No.11 of 1990 and was ultimately dismissed for default way back on 07.12.2010. F.A. No.124 of 2007, filed in connection with L.R. Case No.8 of 1990, was dismissed for default on 07.12.2010. F.A. No.126 of 2007, filed in connection with L.R. Case No.13 of 1990, was dismissed for default on 07.12.2010. All these cases arose out of Land Acquisition Case No.7 of 1975-1976.

8. The records of the case reveal that no steps were taken for restoration of those matters, and the present case arises out of L.R. Case No.9 of 1990, which, in turn, arises out of the same Land Acquisition Case No.7 of 1975-76. The impugned order in F.A. No.123 of 2007, which is sought to be restored through the present CMP No.498 of 2012, was passed analogously with other cases arising out of the same Land Acquisition Case No.7 of 1975-76.

9. The learned counsel for the appellants has submitted that the other analogous cases were not decided on merit, and therefore, the present case be treated differently and the First Appeal be restored and the same be decided on merit.

10. This Court finds that it is not in dispute that the original awardee was Huzati Sao in L.R. Case No.9 of 1990 and opposite party nos.1 to 4 are the legal heirs and successors of Huzati Sao. The proceeding has already been abated as against the opposite party nos.1 to 3 and the first appeal which has abated with respect to opposite party nos. 1 to 3 cannot be restored only with respect to opposite party no.4.

11. In view of the aforesaid facts and circumstances, this Court is not inclined to allow this application for restoration, which is hereby dismissed.

12. Pending interlocutory application, if any, is dismissed as not pressed.