

GAHC040002772023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : IA(C)/38/2023

Ragbindar Ray
S/o Shri Shibalak Ray,
R/o Quarter No. 4,
Type I, R.K. Mission Complex, Itanagar 791113, Arunachal Pradesh.
Cell No. 9436241220

VERSUS

THE STATE OF AP and 4 Ors.
Represented by the Commissioner Power, Govt. of Arunachal Pradesh, Itanagar.
2:Chief Engineer (P)
Age: 0
Occupation :

3:Superintending Engineer (E)
Age: 0
Occupation :

4:Executive Engineer (E)
Age: 0
Occupation :

5:Ayido Mize
Age: 0
Occupation

Advocate for the Petitioner : Abhai Kumar Singh

Advocate for the Respondent : Lissing Perme

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA
HONBLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 07.09.2023
(NaniTagia, J)

Heard Mr. A. K. Singh, learned counsel for the applicant/appellant.

Also heard Mr. L. Perme, learned standing counsel for the Power Department representing the opposite party nos. 1 to 4 and Mr. A. Apang, learned senior counsel for the opposite party no. 5.

This is an application, under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 235 days in filing the writ appeal against the Judgment and Order, dated 03.06.2022, passed in WP(C) No. 570(AP)/2018.

The delay of 235 days in filing the connected writ appeal, according to the applicant has occurred under the following circumstances:

After the applicant had received the Judgment and Order, dated 03.06.2022, passed in WP(C) No. 570(AP)/2018, the applicant was preparing for filing the writ appeal to this Court, but, in the meanwhile, his wife had fallen sick on 13.07.2022 and she continued to received medical treatment at Heema Hospital, Itanagar till 10.02.2023.

In support thereof, the applicant has annexed a Certificate, dated 10.02.2023, issued by the RMO, Heema Hospital, Itanagar, wherein, it has been certified that Mrs. Ranjeeta Kumari Roy, the wife of the applicant was under treatment in the said hospital for H. Pylous (+ve) and clv. Liver

diseases, since 13.07.2022 till the date of issue of the Certificate on 10.02.2023.

The respondent no. 5 has filed an objection, contending that the applicant has not satisfactorily explained the delay of 235 days in filing the connected writ appeal, requiring condonation of delay of 235 days, under Section 5 of the Limitation Act, 1963.

Having heard the learned counsels appearing for the parties and on perusal of the materials placed on record, it is noticed that the applicant is a Contingency employee in the Department of Power, Govt. of Arunachal Pradesh.

Having taken note of the fact that the applicant is a Contingency employee in the Department of Power, Govt. of Arunachal Pradesh and was attending to his ailing wife, who was receiving medical treatment at Heema Hospital, Itanagar, since 13.07.2023 as stated hereinabove and also having regard to the law laid down by the Hon'ble Supreme Court that an application, under Section 5 of the Limitation Act, 1963, has to be dealt with in a liberal manner with a justice oriented approach; we are inclined to allow the application filed by the applicant, under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 235 days in filing the connected writ appeal.

Accordingly, in the interest of justice, delay of 235 days in filing the connected writ appeal against the Judgment and Order, dated 03.06.2022, passed in WP(C) No. 570(AP)/2018 is hereby condoned.

Interlocutory application stands allowed and disposed of.

JUDGE

JUDGE

Comparing Assistant