

Court No. - 21

Case :- SPECIAL APPEAL DEFECTIVE No. - 534 of 2023

Appellant :- Amarnath Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Appellant :- Saroj Kumar Singh, Sr. Advocate

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Donadi Ramesh, J.

In pursuance of order dated 03.08.2023, the appellant had taken steps to serve respondent no.4. Office report indicates that notice sent to the said respondents by registered post has been duly delivered. Accordingly, notice on the said respondent is held to be sufficient.

Re: Civil Misc. Delay Condonation Application No. 02 of 2023

1. The appeal is reported to be beyond time by 1609 days.
2. In paragraph-2 of the affidavit filed in support of delay condonation application, it is stated that the order of learned Single Judge, which is under challenge dated 21.1.2019, was uploaded on 29.01.2019 and its certified copy was obtained on 31.01.2019. Thereafter, the appellant consulted his counsel and made arrangement for filing the special appeal resulting in delay in filing the same.
3. The explanation given in the affidavit is wholly vague. Admittedly, certified copy was issued on 31.01.2019 and the appellant has failed to explain why he waited for more than four years in filing the instant appeal.

4. We also notice that even while approaching the Writ Court, there was delay of eleven years. The said fact has been specifically noticed by learned Single Judge in the order under challenge. Although, the aforesaid fact is not very relevant while examining whether delay is to be condoned or not, but it shows the casual approach of the appellant.

5. We decline to condone the delay and dismiss the delay condonation application. Consequently, the appeal is dismissed.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 8.11.2023

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