

Court No. - 24

Case :- FIRST APPEAL DEFECTIVE No. - 47 of 2010

Appellant :- State Of U.P.Through Prin. Secy. Irrigation
Lko.And Another

Respondent :- Srikant Singh Chauhan

Counsel for Appellant :- C.S.C

Hon'ble Saral Srivastava,J.

1. Heard learned Standing Counsel for the appellants.
2. The present appeal has been filed against the judgement and order dated 19.10.2001 passed in Misc. case No.182 of 1986 by the Presiding Officer, Nagar Maha Palika Tribunal, Lucknow.
3. Stamp Reporter has reported the delay of 8 years, 3 months and 29 days in filing the present appeal.
4. Learned Standing Counsel could point out only one paragraph i.e. paragraph 4 of the affidavit wherein the delay has been explained. Paragraph 4 of the affidavit filed in support of the delay condonation application is reproduced herein below:-

"4. That the appellants for the first time came to know about the judgement and order dated 19.10.2001 in the year 2008 on receiving the letter dated 22.02.2008 issued from the office of learned Standing Counsel, Hon'ble High Court, Lucknow. Photocopy of the said letter dated 22.02.2008 is annexed herewith as Annexure No.A-1 to this affidavit."
5. The record reveals that the reference was decided after hearing learned counsel for the appellant and thus, the appellant had knowledge about the pendency of the reference and the appellant contested the reference. The delay has been explained in only one paragraph i.e. paragraph No.4 of the affidavit which has been extracted above. There is inordinate delay of 8 years, 3 months and 29 days in filing the present appeal and no proper explanation has been given.
6. Consequently, the appeal is **dismissed**.

Order Date :- 11.12.2023

S.Sharma