

Court No. - 8

Case :- WRIT - C No. - 8764 of 2023

Petitioner :- Smt. Kaushlya Devi

Respondent :- State Of U.P. Thru. Secy. Food And Civil Supplies, Civil Sectt. Lko. And 2 Others

Counsel for Petitioner :- Satish Kumar Sharma, Anoop Vajpayee

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia, J.

1. In terms of the order passed by this Court on 16.10.2023, a supplementary affidavit has been filed stating that the husband of the petitioner never received a copy of the order dated 28.09.2017.
2. The petition has been filed challenging an order whereby the delay of five years and three months in filing the appeal was not condoned and the appeal was dismissed on delay alone.
3. The contention of the counsel for the petitioner is that the appellate authority has condoned the delay of periods which are far in excess of delay. It is further argued that when no copy of the order was served, the manner in which the appeal has been dismissed is bad in law.
4. Considering the fact that the appeal has been dismissed only on the grounds of delay and in similar circumstances, a much larger period of delay has been condoned, the order dated 01.05.2023 is quashed. The matter is remanded to the appellate authority for deciding the appeal on merits and in accordance with law.
5. It is made clear that any subsequent allottee, shall also be heard while deciding the appeal on merits.
6. The writ petition stands ***disposed off.***

Order Date :- 15.12.2023

VNP/-