

**HIGH COURT OF TRIPURA
AGARTALA**

**I.A. No.01/2024 in SAO No.01/2024
SAO No.01/2024
I.A. No.02/2024 in SAO No.01/2024**

The State of Tripura & others

..... Applicant(s).

V E R S U S

Sri Upendra Debnath

.....Respondent(s).

For Applicant(s) : Mr. K. De, Addl. G.A.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

25/04/2024

Heard Mr. K. De, learned Addl. Government Advocate appearing for the appellant/applicant-State on the prayer for condonation of delay of 1708 days in preferring the instant second appeal against the judgment dated 05.03.2019 passed in Misc.(Condo) No.05 of 2018 by the learned District Judge, Khowai Tripura.

Learned counsel for the appellant/applicant submits that the impugned judgment was passed on 05.03.2019 by the District Judge, Khowai whereby the Title Appeal No.13 of 2018 was dismissed on grounds of unexplained delay of 1348 days. Thereafter, steps were taken for obtaining legal opinion by the concerned department. The file was sent by the Revenue Department on 18.08.2019 for taking necessary opinion. On 17.09.2019 after giving opinion, the file was sent to the Secretary, Revenue from the Law Department. Subsequently, the file was sent by the Secretary, Revenue to the office of the District Magistrate & Collector, Khowai on 05.11.2019. On 06.11.2019 the D.M. & Collector, Khowai again sent the

file to the Additional Secretary, Revenue. Thereafter, on 07.11.2019 it was sent to the Principal Secretary, Revenue who sent it to the Law Secretary. On 12.11.2019 again the file was sent to the Principal Secretary, Revenue with the same opinion as was given earlier. On 20.11.2019 the D.M. & Collector, Khowai sent the file to the learned Government Advocate. On 22.11.2019, the learned G.A. sent the file to the D.M. & Collector, Khowai for placing necessary documents in the file for filing appeal. On 29.06.2020 the Branch Officer of the concerned department sent the file to the D.M. & Collector, Khowai for placing necessary documents in the file. Then on 31.10.2023 the learned G.A. endorsed the file to the learned Addl. G.A. for conducting the case. The file was again sent to D.M. & Collector on 23.11.2023 for supplying the relevant documents for drafting the instant appeal. The concerned department sent the relevant documents on 28.11.2023 to the learned Addl. G.A. After drafting the appeal, the file was sent to the Law Department through Revenue Department for vetting. The draft was vetted and the file was sent to the conducting advocate on 07.02.2024. However, it was found that the certified copy of the judgment was not printed properly and was illegible. The file was again sent to the D.M. & Collector, Khowai for getting a fresh certified copy of the judgment passed in T.S. 07 of 2013. After obtaining the certified copy, it was sent to the learned Advocate on 26.02.2024. Thus, due to inter-departmental movement of the file, 1708 days had elapsed in filing of the second appeal. It is submitted that the delay is not intentional and appellant may suffer irreparably if it is not condoned.

However, upon hearing learned counsel for the appellant/applicant and after going through the records, it appears that the appellant/applicant has

not been diligent in prosecuting the appeal as the explanations are mere routine movement of the files. The impugned judgment was delivered on 05.03.2019 whereby Title Appeal No.13 of 2018 directed against the judgment and order dated 05.12.2014 passed by the learned Civil Judge (Jr. Division), Khowai in Title Suit No.07 of 2013 was also dismissed on grounds of unexplained delay of 1348 days.

This Court, therefore, does not find any sufficient cause to condone the huge delay of 1708 days in preferring the instant second appeal. Accordingly, the delay condonation petition [I.A. No.01 of 2024] stands dismissed.

Consequently, the SAO No.01 of 2024 and the stay application [I.A. No.02 of 2024] also stand dismissed.

(APARESH KUMAR SINGH), CJ

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