

**HIGH COURT OF TRIPURA
AGARTALA**

IA NO.01 OF 2023
IN LA APP NO.9 OF 2024

The Deputy Chief Engineer(Construction-1)
Vs.
Smt. Mangati Debbarma

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Appellant-Applicant(s) : Mr. B. Majumder, Deputy SGI

For the Respondent(s) : Mr. S. Datta, Advocate.

05.03.2024

Order

This present application has been filed under Section 5 of the Limitation Act for condoning the delay of 966 days in preferring the appeal against the Judgment and award dated 13.02.2020 passed by the learned Land Acquisition Judge, West Tripura in case No.Misc.(L.A.)29 of 2015.

Heard Mr. B. Majumder, learned Deputy SGI appearing for the appellant-applicant as well as Mr. S. Datta, learned counsel appearing for the respondents.

Mr. Datta, learned counsel appearing for the respondents vehemently opposed this condonation application and has also filed his objection.

Heard and perused the evidence on record.

There is a delay of 966 days in preferring the connected appeal, that apart, it is seen from the record that the

present appeal along with the application for condonation of delay is filed at the stage of execution. It is also seen from the record that the appellant i.e., North Frontier Railway (*in short 'N.F. Railway'*) appeared in the execution proceedings bearing No. Exe(M)11 of 2021. The proceeding of the Court below vide order dated 09.06.2022 is as under:-

"Learned Advocate Ms. S. Acherjee appearing for the award holder is present.

Learned advocate Mr. N. Chaudhuri appearing for the JD requiring department is also present.

Learned GP Mr. S. Bhattacharjee appearing for the JD L.A. Collector is also present.

Heard both sides.

Learned GP has contended that the file meant for payment of the awarded amount is under process and as such case may be adjourned today.

On the submission of learned GP, case stands adjourned today.

Fix 05-08-2022 for payment."

The case was adjourned to 05.08.2022. Later on, the proceeding came up on 17.12.2022. The same is as under:-

"Learned Advocate Miss Sima Acherjee appearing for the award-holder is present.

Learned Advocate Mr. Nitai Chowdhury appearing for the JD-requiring department is also present. Learned GP Mr. S. Bhattacharjee

appearing for the JD-LA Collector is also present and filed a calculation sheet. As per calculation sheet an amount of Rs. 67,38,315/- as on 31-08-2022 is due to be paid towards satisfaction of the award put in execution herein.

Heard both sides.

Perused the record.

A copy of this order be served upon the JD-requiring department through their engaged Advocate requiring them to arrange payment of the awarded amount on or before the next date.

Fix 01-02-2023 for payment."

Again on 19.09.2023 the proceeding before the Trial Court is as under:-

*"Today the case is fixed for payment.
Parties are represented by their respective engaged learned counsels.
Learned counsel for the N.F. Railway has sought two months time for payment
Heard.
Prayer is allowed.
Fix 21.12.2023 for payment."*

Finally, on 21.12.2023 the case was fixed on 06.04.2024. The said order is as follows:-

*" Learned Advocate Smt. S. Chakraborty appearing for the Award Holder is present.
Learned GP Mr. S. Bhattacharjee, appearing for the JD L.A. Collector is also present and has filed calculation sheet.
Learned Advocate Mr. N. Chowdhury appearing for the JD N.F. Railway by filing a petition prays for time for payment of the awarded amount.
Perused the petition.
Prayer is allowed.
Case is adjourned today.
Fix 06.04.2024 for payment."*

So it is seen from the record that in all proceedings, the N.F. Railways has only prayed for time to make the payment to the claimants and to the surprise of this Court, suddenly, the appellant-NF Railways are before this Court by way of an appeal. This Court is not in a position to appreciate the manner in which the N.F. Railways discharging their responsibilities against the claimants.

In so far as the condone delay application is concerned, it is seen from the record that no cogent reason has been explained in terms of Section 5 of the Limitation Act. As

such, the condone delay application is dismissed. As a sequel, connected LA. App. No.9 of 2024 and any other mischievous application(s), if any, also stand dismissed and thus disposed of.

JUDGE

suhanjit

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SUHANJIT
SINGHA

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SUHANJIT SINGHA
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HIGH COURT OF TRIPURA



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