

GAHC010126982024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/2450/2024

THE UNION OF INDIA and ORS
REP. BY THE SECY, MINISTRY OF HOME AFFAIRS, JAISELMER HOUSE, 26,
MAN SINGH ROAD, NEW DELHI, PIN-110011

2: THE DIRECTOR GENERAL
BORDER SECURITY FORCE
CENTRAL GOVT. OFFICE COMPLEX
LODHI ROAD, NEW DELHI, PIN-110003

3: THE INSPECTOR GENERAL
BORDER SECURITY FORCE
SHILLONG, MEGHALAYA, PIN-793006

4: THE COMMANDANT
128 BATTALION
BORDER SECURITY FORCE
PATGAON, GUWAHATI, ASSAM, PIN-781017

5: NAIMUDDIN
THE THEN COMMANDANT 128 BATTALION
ORDER SECURITY FORCE
TO BE SERVED THROUGH THE RESPONDENT NO.

VERSUS

EX-CONSTABLE, FORCE NO. 89008021 NIRMAL KUMAR SHARMA
S/O SHRI PREM NATH SHARMA, VILL KUNDE LALOWAL, P.O.JANGAL,
TEHSIL GURDASPUR, DIST GURDASPUR, PUNJAB, PIN CODE - 143521

Advocate for the Petitioner : MR H GUPTA,

Advocate for the Respondent : MR. R MAZUMDAR (R-1), MS T WAPANGLA(R-1),MR. R

DEKA(R-1),MR P RAI(R-1)

Linked Case : CRP/0/0

THE UNION OF INDIA and ORS
REPRESENTED BY SECY TO GOVT OF INDIA MINISTRY OF HOME AFFAIRS
JAISELMER HOUSE NO 26 MAN SINGH ROAD NEW DELHI
110011

2: The Director General Border Security Force
CENTRAL GOVT OFFICE COMPLEX LODHI ROAD NEW DELHI

3: The Inspector General Border Security Force
SHILLONG MEGHALAYA

4: The Commandant
128 BATTALION BORDER SECURITY FORCE PATGAON GUWAHATI

VERSUS

EX-CONSTABLE
FORCE NO. 89008021 NIRMAL KUMAR SHARMA
S/O SHRI PREM NATH SHARMA
VILL KUNDE LALOWAL
P.O.JANGAL, TEHSIL GURDASPUR
DIST GURDASPUR, PUNJAB
PIN CODE - 143521

For applicant(s)/appellant(s) : Mr. H. Gupta, Advocate

For respondent(s) : Ms. T. Wapangla, Advocate

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

04.11.2024

(Vijay Bishnoi, C

Heard Mr. H. Gupta, learned counsel appearing for the applicants. Also heard Ms. T. Wapangla, learned counsel appearing for the respondent No. 1.

The matter comes upon for consideration of the prayer to condone the delay

of 270 days in filing the connected appeal.

Affidavit-in-opposition has been filed on behalf of the non-applicants contending that, in fact, the delay is not only of 270 days but of more than 300 days. It is also contended in the affidavit that the delay has not been satisfactorily explained by the applicants and, therefore, no case for condoning the delay in filing the connected appeal is made out.

Having heard the learned counsel for the parties and after going through the contents of the application under Section 5 of the Limitation Act, 1963 as well as the counter affidavit filed on behalf of the non-applicants, we are of the view that the delay in filing the connected appeal is liable to be condoned.

Hence, this Interlocutory Application is allowed. The delay in filing the connected appeal is condoned.

Registry is directed to register the connected appeal and list the same for admission after two weeks.

JUDGE

CHIEF JUSTICE

Comparing Assistant