

GAHC010213342021



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

I.A.(Civil)/2165/2021 In
FAO/17105/2018

SHRI GHANSHYAM DAS DHIMAN
P.O. HALLESWAR TEZPUR-784104 ASSAM

VERSUS

UNION OF INDIA
REP. BY THE GARRISON ENGINEER, TEZPUR-784001

Advocate for the Petitioner : PETITIONER IN PERSON

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

27.06.2024.

Heard Shri GD Dhiman, petitioner-in-person. Also heard Ms. A Gayan, learned Central Governmental Counsel (CGC).

By the instant application filed under Section 5 of the Limitation Act, 1963, the delay of 154 days has been sought to be condoned while preferring the connected appeal filed against the order dated 19.03.2018 passed in Misc. (J) Case No.12/2006

by the learned Civil Judge, Sonitpur, Tezpur.

It is contended on behalf of the petitioner that initially, a civil revision petition was presented on a mistaken notion and as the statute prescribes for an appeal, subsequently, the connected appeal has been preferred and in that manner, a delay of 154 days has occasioned.

It is submitted by Shri Dhiman that the said delay was not at all intentional and only because of misconception of certain provisions of law.

Ms. Gayan, learned CGC does not seriously object to the aforesaid prayer for condonation of delay.

It is a settled principle of law that while deciding an application for condonation of delay, a pragmatic and justice oriented approach is to be taken.

Considering the above and also the reason cited for the delay, the instant interlocutory application is allowed and the delay of 154 days in preferring the connected appeal is condoned.

Interlocutory application stands disposed of.

JUDGE

Comparing Assistant