

KHOIROM
BIPINCHAN
DRA SINGH

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KHOIROM
BIPINCHANDRA SINGH
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**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MC(WA) No. 3 of 2025

State of Manipur & Anr.

... Applicants

- Versus -

Chingangbam Pateshori Devi & Anr.

... Respondents

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

O R D E R

13.05.2025

[D. Krishnakumar, CJ]

Mr. Lenin Hijam, learned Advocate General assisted by Mr. I. Amri, learned counsel appears for the applicants, Mr. Kh. Tarunkumar, learned senior counsel appears for the respondent No. 1 and Mr. S. Suresh, learned counsel appears for the respondent No. 2

The present application has been filed for condoning the delay of 317 days for filing accompanying writ appeal. The reasons for delay in filing the writ appeal are mentioned at Para No. 3 & 4 of the present application.

The learned counsel appearing for the respondent No. 1 has strongly objected to the prayer made in the present application for condoning the delay of 317 days by filing an affidavit in-opposition.

Mr. S. Suresh, learned counsel appearing for the respondent No. 2 has no objection to the prayer for condoning the delay of 317 days in filing the accompanying writ appeal.

Perused the averments made in the application and satisfied with the explanation for condoning the delay in the light of decisions of the Hon'ble Supreme Court passed in ***Inder Singh v. State of Madhya Pradesh (2025 SCC OnLine SC 600)*** and ***State of Nagaland v. Lipok AO & Ors. [(2025) 3 SCC 752]***, for condoning the delay of 317 days in filing writ appeal. The decision is extracted herein below:

"Inder Singh v. State of Madhya Pradesh (2025 SCC OnLine SC 600) :

14. *In G. Ramegowda v. Spl. Land Acquisition Officer it was held that no general principle saving the party from all mistakes of its counsel could be laid. The expression "sufficient cause" must receive a liberal construction so as to advance substantial justice and generally delays in preferring the appeals are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bone fides is imputable to the party seeking condonation of delay, In litigations to which Government is a party, there is yet another aspect which, perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected, but what, in the ultimate analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do not share the characteristics of decisions of private individuals. The law of limitation is, no doubt, the same for a private citizen as for governmental authorities. Government, like any other litigant must take responsibility for the acts, omissions of its officers. But a somewhat different complexion is imparted to the matter where Government makes out a case where public interest was shown to have suffered owing to acts of fraud or bad faith on the part of its officers or agents and where the officers were clearly at cross-purposes with it. It was, therefore, held that in assessing what constitutes sufficient cause for purposes of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the Government. Government decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have "a little play at the joints". Due recognition of these limitations on governmental functioning of course, within reasonable limits is necessary if the judicial approach is not to be rendered unrealistic. It would, perhaps, be unfair and unrealistic to put Government and private parties on the same footing in all respects in such matters. Implicit in the very nature of governmental functioning is procedural delay incidental to the decision-making process. The delay of over one year was accordingly condoned."*

"State of Nagaland v. Lipok AO & Ors. [(2025) 3 SCC 752] :

14. *There can be no quarrel on the settled principle of law that delay cannot be condoned without sufficient cause, but a major aspect which has to be kept in mind is that, if in a particular case, the merits have to be examined, it should not be scuttled merely on the basis of limitation.*

16. *The Court in Ramchandra Shankar Deodhar v. State of Maharashtra, (1974) 1 SCC 317 held :*

10. ... There was a delay of more than ten or twelve years in filing the petition since the accrual of the cause of complaint, and this delay, contended the respondents, was sufficient to disentitle the petitioners to any relief in a petition under Article 32 of the Constitution. We do not think this contention should prevail with us. In the first place, it must be remembered that the rule which says that the Court may not inquire into belated and stale claims is not a rule of law, but a rule of practice based on sound and proper exercise of discretion, and there is no inviolable rule that whenever there is delay, the Court must necessarily refuse to entertain the petition.

Each case must depend on its own facts. The question, as pointed out by Hidayatullah, C.), in Tilokchand Motichand v. H.B. Munshi [(1969) 1 SCC 110, 116: (1969) 2 SCR 824] "is one of discretion for this Court to follow from case to case. There is no lower limit and there is no upper limit.... It will all depend on what the breach of the fundamental right and the remedy claimed are and how the delay arose.

(emphasis supplied)

17. *No doubt, Ramchandra Shankar Deodhar (supra) relates to a writ petition, but the statement of law laid down is clear. Sheo Raj Singh (supra) has also considered the impersonal nature of the functioning of the State, taking note of what was observed in State of Manipur v. Kotin Lamkang, (2019) 10 SCC 408. In A B Govardhan v. P Ragothaman, (2024) 10 SCC 613, the Court considered as under:*

37. In Collector (LA) v. Katiji [Collector (LA) v. Katiji, (1987) 2 SCC 107], the Court noted that it had been adopting a justifiably liberal approach in condoning delay and that "justice on merits" is to be preferred as against what "scuttles a decision on merits". Albeit, while reversing an order of the High Court therein condoning delay. principles to guide the consideration of an application for condonation of delay were culled out in

Esha Bhattacharjee v. Raghunathpur Nafar Academy [Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649 (2014) 1 SCC (Civ) 713: (2014) 4 SCC (Cri) 450: (2014) 2 SCC (L&S) 595]. One of the factors taken note of therein was that substantial justice is paramount [Para 21.3 of Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649: (2014) 1 SCC (Civ) 713: (2014) 4 SCC (Cri) 450: (2014) 2 SCC (L & S) 595].

38. In *N.L. Abhyankar v. Union of India* [N.L. Abhyankar v. Union of India, 1994 SCC OnLine Bom 574: (1995) 1 Mah J 503], a Division Bench of the Bombay High Court at Nagpur considered, though in the context of delay vis-à-vis Article 226 of the Constitution, the decision in *Dehri Rohtas Light Railway Co. Ltd. v. District Board, Bhojpur* [Dehri Rohtas Light Railway Co. Ltd. v. District Board, Bhojpur, (1992) 2 SCC 598], and held that: (N.L. Abhyankar case [N.L. Abhyankar v. Union of India, 1994 SCC OnLine Bom 574: (1995) 1 Mah LJ 503], SCC OnLine Bom para 22)

"22.... The real test for sound exercise of discretion by the High Court in this regard is not the physical running of time as such. but the test is whether by reason of delay there is such negligence on the part of the petitioner, so as to infer that he has given up his claim or whether before the petitioner has moved the writ court, the rights of the third parties have come into being which should not be allowed to be disturbed unless there is reasonable explanation for the delay."

(emphasis supplied)

39. The Bombay High Court's eloquent statement of the correct position in law in *N.L. Abhyankar* case [N.L. Abhyankar v. Union of India, 1994 SCC OnLine Bom 574: (1995) 1 Mah LJ 503] found approval in *Municipal Council, Ahmednagar v. Shah Hyder Beig* [Municipal Council, Ahmednagar v. Shah Hyder Beig, (2000) 2 SCC 48] and *Mool Chandra v. Union of India* [Mool Chandra v. Union of India, (2025) 1 SCC 625].

40. In the wake of the authorities abovementioned, taking a liberal approach subserving the cause of justice, we condone the delay and allow IA No. 16203 of 2019, subject to payment of costs of Rs. 20,000 (Rupees twenty thousand) by the appellant to the respondent.'

(emphasis supplied)

18. Considering the above pronouncements and on an overall circumspection, we are of the opinion that the Second Appeal deserves to be heard, contested and decided on merits. However, a note of caution is sounded to the respondent to exhibit promptitude in like matters henceforth and in futuro, failing which the Court may not be as liberal."

Considering the decisions of the Hon'ble Supreme Court aforementioned, the delay of 317 days in filing the writ appeal is condoned on payment of cost of Rs. 3,000/- (Rupees three thousand) to the High Court Bar Association of Manipur under Internal Displaced Persons (IDP).

Accordingly, the present application is allowed.

JUDGE

CHIEF JUSTICE

Bipin