

Item No.D-8

State of Himachal Pradesh and others vs. Bhima Ram

CMP(M) No.544 of 2026

24.06.2026 Present: Mr. Rakesh Dhaulta, Additional Advocate General, for the applicants-appellants-State.

Mr. P.D. Nanda and Mr. Sandeep Chauhan, Advocates, for the respondent.

CMP(M) No.544 of 2026

The present application has been preferred to condone the delay in filing the appeal, which is stated to be of 328 days, as per the Office calculations.

It has been averred in the application that the judgment in the writ petition was passed by the learned Single Judge on 20.03.2025 and certified copy of the same was delivered by the Registry to the petitioner on 07.05.2025. Thereafter, the Executive Engineer received the copy of the said judgment on 22.05.2025. The same was then endorsed to the Superintending Engineer, who further forwarded the same to the Chief Engineer Mandi Zone on 12.06.2025. The Chief Engineer then sent the case to the Engineer-in-Chief on 02.09.2025. Thereafter, the Government conveyed its advice on 20.02.2026 to assail the judgment and resultantly there was delay, as such, in filing the present appeal, as the Executive Engineer had also referred the pension case of the petitioner to the Accountant General of Himachal Pradesh. Complete case alongwith copy of the judgment dated 20.03.2025 was sent to the Superintending

Engineer, who referred the matter to the Chief Engineer on 02.03.2026 and eventually, the appeal was then filed.

The application is duly supported by the affidavit of the Superintending Engineer, Jal Shakti Circle, Sundernagar, Mandi.

The application is contested by the respondent by filing reply, wherein the averments made in the application were denied.

Keeping in view the settled principles of law laid down in ***Collector, Land Acquisition, Anantnag vs. Smt. Katiji and others, (1987) 2 SCC 107***, that each and every day's delay is not to be explained and a liberal approach is to be adopted while considering an application for condonation of delay, we are of the considered opinion that the application is liable to be allowed as sufficient cause has been made out.

Accordingly, in view of the averments made in the application duly supported by the affidavit of the Superintending Engineer, the same is allowed, subject to payment of costs of Rs.10,000/-, by way of Demand Draft to the writ petitioner, by the next date of hearing. The application stands disposed of.

LPA No. _____ of 2026

The appeal be registered.

Notice. Mr. P.D. Nanda, learned counsel, appears and waives service of notice on behalf of the respondent.

List on **11.08.2026**. Copies of the appeal be supplied to the opposite counsel during the course of the day.

CMP Nos.14519, 14520, 14521, 14522 and 14525 of 2026

Notice. Mr. P.D. Nanda, learned Advocate, appears and accepts service of notice on behalf of the respondent. He prays for time to file replies to the present applications.

CMP No. _____ of 2026

It be registered.

Learned Additional Advocate General has pointed out that an amount of approximately Rs.6,00,000/- has already been remitted to the account of the petitioner and the execution is pending for 30.06.2026. In these circumstances, we stay the proceedings before the Executing Court.

The application stands disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

June 24, 2026 (KS)