

Party Name : Paisathai Mog Choudhury And 2 Ors. Vs Narayan Bhaumik And 3 Ors.

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

On 09.09.2014 this Court had passed the following order:

“There is 440 days delay in filing the appeal. Normally, this Court is liberal while dealing with the application for condonation of delay, especially those filed by the claimants. However, claimants must come to Court with clean hands while filing the appeal.

In the present case the award was announced on 23.08.2012 and the applicants were duly represented by the counsel before the learned Tribunal. They have stated that they are students totally ignorant about the prescription of limitation and came to know that they could file an appeal only from one of their friends at Agartala. Neither the name of the friend has been stated in the application, nor has it been stated when the friend told them that such appeal could be filed with an application for condonation of delay. Nothing has been stated as to what advice was given to them by their counsel after the claim petition was rejected by the Tribunal.

The claimants have been awarded Rs.18,09,704/- as compensation and this Court would like to know from them whether they have received any part of the compensation or not? If they have received any part of the compensation did they file application before the Tribunal for receipt of this amount. In case they have received compensation then it shows that what they have stated in the affidavit is totally false. Because they were consistently in touch with a counsel for getting receipt of the amount. All these facts shall be stated by the claimants by filing individual affidavits of each one of the claimants.

The averments made in the application are extremely vague and therefore, the record of the Tribunal be also called for and the Tribunal be directed to also send along with the record, the record of any applications moved by the claimants for release of the amount.

List on 6th November, 2014.”

Thereafter adjournment has been sought on behalf of the applicant-appellants on 06.11.2014, 6.1.2015 and 28.01.2015. Mr. Choudhury states that both he and Mr. Ghosh have been sending repeated communication to the applicant-appellants but they have not responded. Therefore, it is apparent that they are not interested in filing the affidavit. As such the application for condonation of delay is dismissed and consequently, the connected appeal is also dismissed.