

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.173 of 2013

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1. The State Of Bihar Through The Principal Secretary Rural Works Department, "Vishweshwarraiya Bhawan", Bailey Road, Patna
 2. The Chief Engineer-II, Rural Works Department, Vishweshwarraiya Bhawan, Bailey Road, Patna.
 3. The Executive Engineer, Works Department, Works Division, Chapra.

.... Petitioners.

Versus

Sri Ramakant Singh Son Of Late Ram Khelawan Singh Resident Of - 101,
Lotus Apartment, New Patliputra, P.S. - Patliputra, District - Patna.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Rahi

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

11 29-11-2016

Heard Mr. Binod Kumar, learned counsel

appearing for the petitioners and Mr. J.S. Arora, learned senior
counsel appearing for the sole opposite party.

The interlocutory application
(I.A.No.7621/2013) has been filed for condonation of delay in
filing this revision application.

From the records, it transpires that the revision
application has been filed on 22.10.2013. The stamp reporter has
pointed out that the limitation for filing this revision application
expired on 02.01.2013.

From the averments made in the limitation
petition particularly in para-5, it appears that the Law Department



of the petitioners had sent the opinion on 25.04.2013 itself for filing this revision application. There is no averment explaining the delay in filing this revision application thereafter i.e. after 25.04.2013.

Mr. Binod Kumar, learned counsel for the petitioners has emphatically submitted that the technicality should not stand in the way for adjudication of a case which has merits. It has also been contended that there was official exigencies which caused the delay in filing this revision application. The learned counsel for the petitioners has made the prayer before this Court to condone the delay and hear the revision application on merits.

On the other hand, Mr. Arora, learned senior counsel for the sole opposite party has vehemently opposed the prayer for condonation of delay and has submitted that there is no sufficient cause at all disclosed in the limitation petition filed on behalf of the petitioners justifying the condonation of delay. It has also been pointed out that the award in question was a contested award and even from the averments made in the limitation petition, the fact is apparent that the petitioners have the knowledge of the award.

After considering the submissions and perusal of the materials on record, it is manifest that the petitioners have



accepted in the limitation petition that they had the knowledge of the award and even the Law Department had also given the opinion for filing the revision application at least on 25.04.2013. It further appears that there is no cogent explanation for the further delay at all except the bald statement made in paragraph-6 of the limitation petition. This Court is not inclined to align with the persuasive submission on behalf of the petitioners that the official exigencies be presumed to be there as cause of delay.

The principles governing the condonation of delay has been laid down in details by the apex court in ***Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy, (2013)12 SCC 649***, and their lordships have clearly ruled that the explanation made in a casual manner for an inordinate delay may not be accepted. It is also well settled that the Limitation Act is a statute of repose, and the prayer for condonation of delay cannot be allowed only on the plea that the petitioners have a case on merits. This Court as such has not been persuaded to hold that the petitioners were prevented by sufficient cause in not filing the revision application within time.

In result, the interlocutory application (I.A.No.7621/2013) for condonation of delay is rejected. Consequently, this revision application is also dismissed as barred



by limitation.

(V. Nath, J)

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