

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 59 of 2016**

Vinod Puri son of Late Anand Puri Goswami, Aged about 50 years, R/o village and Post Demar, PS Arjuni, Tahsil Dhamtari, Civil and Revenue District Dhamtari, Chhattisgarh

---- Appellant**Versus**

1. Arjun son of Hirderam Caste Bayamhar.
2. Ramratan son of Kartik Ram, Caste Yadav.
3. Tulsibai widow of Bhukhanram, Cast Dhimer.
4. Tileshwar son of Late Derharam, Caste Lohar.

All Resident of village Demar, Patwari Halka No. 13, Tahsil Dhamtari, Thana Arjuni, Civil and Revenue District Dhamtari, Chhattisgarh.

---- Respondents

For Appellant : Shri R.S.Patel, Advocate
For Respondents : Shri P.P.Sahu, Advocate.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay K. Agrawal J.

Order on Board**Per Deepak Gupta, Chief Justice****27/06/2016**

1. This writ appeal is directed against judgment dated 13.01.2016 passed by the learned Single Judge in Writ Petition (C) No. 64 of 2016 rejecting the writ petition filed by the Petitioner wherein he has challenged the order of the Board of Revenue condoning the delay of more than 1 1/2 years in filing the revision petition by the Respondents.
2. The case of the Respondents is that the arguments were heard on 07.05.2012 and the case was posted for orders on 21.05.2012, however, no final order was passed on that date and the order was passed only on 28.06.2012 without giving any notice to the parties. These allegations have been accepted to be true by the Board of Revenue and the Board of Revenue has condoned the

delay in filing the revision petition.

3. According to the Respondents, they became aware of the order sometimes in the last week of May 2013 or first week of June 2013, and they applied for certified copy of the order of the appellate authority on 24.06.2012 which was delivered on 28.06.2012. This fact has been accepted by the Board of Revenue to be correct and the delay was condoned. The writ petition filed by the Petitioner was rejected

4. Now, alongwith the appeal, the Petitioner has annexed certain documents which were not the part of the writ petition and relying on those documents wants to contend that the Respondents were aware of the order dated 28.06.2012 prior to May or June, 2013.

5. We are not inclined to go into these facts since these were not the facts before the learned Single Judge. Furthermore, the law is well settled that if the delay is condoned, the superior Court should not interfere with the condonation of delay unless grave injustice is caused.

6. We do not find this to be a case falling under exceptional circumstances. The appeal is dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay K. Agrawal)
JUDGE