

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.A. No. 501 /2015

1. Banshi Lal, S/o. Dera Ram, Aged About 53 Years.
2. Chhannu Lal, S/o. Dera Lal, Aged About 38 Years.
3. Kamla Shrikant, W/o. Mannu Lal Shrikant, Aged About 35 Years.

All are by Caste Suryavanshi and are R/o. Village Putpura, Police Station & Tehsil Janjgir, Civil & Revenue District Janjgir -Champa Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh, Through Collector, Janjgir, District Janjgir-Champa, Chhattisgarh
2. Sub Divisional Officer, Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Respondents

For Appellants : Mr. C.P.Lahrey, Advocate.

For Respondent/State : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/02/2016

Heard on I.A.No.1, Application for Condonation of Delay.

The appeal is barred by time of 564 days.

1. The appeal is against the judgment & decree dated 18.10.2013 passed in Civil Appeal No.15-A/2012 by the Court of District Judge, Janjgir-Champa, whereby the judgment & decree dated 28.02.2012 passed in Civil Suit No.46-A/2010 in between *Banshi Lal & Others v. State* was affirmed.
2. Alongwith the appeal, an application under Section 5 of the Limitation Act has been filed. It has been stated that the appellants were not aware of the fact about the limitation period and they came to know about the procedure after obtaining the certified copy of the impugned judgment but due to negligence of the appellant No.1, the documents were misplaced and after getting the documents, the same is filed. The appeal is delayed by 564 days.

3. On bare perusal of the application to condone the delay, it reveals that no substantial ground has been raised and it is only stated that the appellants were not aware of period of limitation and had lost the file, however, when it was traced again the document could be found. Nothing has been stated as to what is the actual reason for delay and in a casual manner, the averments have been made. More so, even on going into the merit, as per the case, it was stated that the appellants were granted the lease of Khasra No.56/1 and 1 acre land was given on lease and despite the fact that the orders were issued to grant lease in favour of the plaintiffs actual lease deed was not issued. It was further stated that the appellants were in possession of the said land and the State be restrained to dispossess them. As against this, reading of the order would show that the plaintiff Banshilal in his cross examination has admitted the fact that the Tahsildar though come to the village but has not issued the lease in his favour. Subsequently, few of the lease which were granted were canceled being forged. Further, no evidence was adduced before the Court below that the plaintiffs are in possession of the land neither any ground has been proved by the documentary evidence by calling the State by notice to produce the documents so as to prove the fact that the lease was granted nor any document is placed to substantiate the fact that the appellants/plaintiffs are in possession.
4. Consequently, taking into totality, in the opinion of this Court, neither any sufficient reason has been assigned in filing the appeal which is delayed by 564 days nor any substantial questions of law arises for consideration in this second appeal.
5. Accordingly, the appeal is dismissed at the motion stage itself.