

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.39 of 2014

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Ganesh Gunjan & Anr.

.... Appellant/s

Versus

Shri Chandrika Prasad & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Nikesh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

14 02-05-2018

I.A. No. 1682 of 2014 has been pressed by the learned counsel for the appellants.

Heard the learned counsel for the appellants and the learned counsel for respondent no.1.

On behalf of the appellants it is submitted that there is delay of 131 days in filing the present appeal. The appellants got knowledge on 19.12.2013 about the present judgment and the decree and thereafter he filed requisition for obtaining certified copy of the judgment and decree. It is submitted that the appellants were not contesting the aforesaid suit after filing the written statement in 2010 which is evident from the judgment of the learned court below itself. There is no deliberate or intentional laches on the part of the appellants and as such the delay in filing the appeal be condoned.

On behalf of respondent no.1 it has been argued



that no sufficient reason and explanation has been given by the appellants for condoning the delay. The judgment of Eviction Suit No. 03 of 2010 was passed on 04.07.2013 and the decree was sealed and signed on 17.07.2013. The appellants have appeared in Eviction Suit No. 03 of 2010, they have filed their written statement and thereafter they left doing pairvi. It is not explained as to how the appellants got knowledge about the judgment and decree dated 04.07.2013 and 17.07.2013 respectively on 19.12.2013, nothing has been stated regarding the said knowledge and only with a view to linger the matter the appellants have filed this appeal after such a long delay without any reasonable explanation. The delay occurred is not bonafide rather it is malafide act of the appellants.

Having considered the submissions urged at the Bar, going through the I.A. No. 1682 of 2014 it is manifest that how the appellants got knowledge regarding judgment dated 04.07.2013 and the decree dated 17.07.2013 on 19.12.2013 is not mentioned. It is manifest that the appellants have appeared in the suit and filed the written statement and thereafter left the case unattended. The delay occurred in filing the present appeal has not been properly explained. No sufficient reason has been given by the appellants about not preferring the appeal within time.



In the result, I.A. No. 1682 of 2014 stands rejected as the delay occurred in filing the appeal is not fit to be condoned.

Accordingly, the present First Appeal, i.e. F.A. No. 39 of 2014 also stands dismissed as time barred.

(Jitendra Mohan Sharma, J)

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