

HIGH COURT OF CHHATTISGARH AT BILASPUR**CR No. 25 of 2018**

Smt. Sonmati Kashyap, W/o Late Samndu, aged about 56 years,
Caste-Muriya, R/o Village Kurushpal, Tahsil & District Jagdalpur,
Chhattisgarh.

---Applicant

Versus

1. General Public
2. State of Chhattisgarh, Through Collector, Jagdalpur, District Bastar, Chhattisgarh.
3. Upesh Kumar Kashyap, S/o Samndu Kashyap, aged about 30 years.
4. Laxmi Kashyap, D/o Samndu Kashyap, aged about 28 years.

Respondent No.s 3 & 4 Caste Muriya R/o Village Bastar, Tah. & Distt.
Bastar, Chhattisgarh.

----Respondents/Non-applicants

For Applicant	:	Mr. Vikas A. Shrivastava, Advocate
For Respondents	:	Mr. Vikash Pandey, Advocate
For State/respondent No. 2	:	Mr. Sumit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/03/2019

1. This Civil Revision is directed against the impugned order dated 13/11/2017 passed by the first appellate Court whereby the appeal preferred by the applicant has been dismissed as barred by limitation.
2. Learned counsel for the applicant submits that the first appellate Court is absolutely unjustified in rejecting the appeal preferred by the applicant holding that no sufficient cause has been shown whereas sufficient cause has been shown by the applicant in filing the appeal.
3. I have heard learned counsel for the applicant, considered his submissions and went through his records with utmost circumspection.

4. The succession Court partly granted the application filed by the applicant vide order dated 06/04/2017 against which she preferred an appeal on 10/11/2017 with a delay of 220 days. An application for condonation of delay was filed stating that she was not aware of the pronouncement of judgement by the succession Court and her counsel engaged in the Court did not inform her about the order of the succession Court. Anyhow, she came to know about the order from the office of the Joint Director (Pension) on 23/10/2017 and filed an application on 10/11/2017.
5. In my considered opinion, sufficient cause has been shown by the applicant for delay in filing the appeal which ought to have been condoned by the first appellate Court. The impugned order dated 13/11/2017 passed by the first appellate Court is set aside. The matter is remitted to the first appellate Court to consider and decide the appeal afresh after hearing the parties. The parties are directed to remain present before the first appellate Court on 1st April, 2019. No further notice is required.
6. The civil revision is allowed to the extent indicated herein above. A copy of this order be sent to the concerned first appellate Court by e-mail/fax. No cost(s).

**Sd/-
(Sanjay K. Agrawal)
Judge**