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IN THE HIGH COURT OF MANIPUR

AT IMPHAL

M.C.(W.A.) NO. 15 of 2020

1. The State of Manipur, represented by the Commissioner/Secretary, MAHUD, Old Secretariat – South Block, Government of Manipur, P.O. & P.S. Imphal and Imphal West District, Manipur, Pin – 795001.
2. The Under Secretary, MAHUD, Old Secretariat – South Block, Government of Manipur, P.O. & P.S. Imphal and Imphal West District, Manipur, Pin-795001.

... Applicants.

-Versus -

1. Thongam Shyamo Singh, aged about 55 years, S/o (Late) Th. Tombi Singh, resident of Thoubal Athokpam Leikai, Thoubal, P.O. & P.S. Thoubal, Manipur, Pin – 795138.

... Respondent/Writ Petitioner

2. The Thoubal Municipal Council represented by its Executive Officer, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
3. Waikhom Ibochouba Singh, aged about 50 years, S/o/ (L) W. Gouramani Singh, Councillor, Ward No. 9 of Thoubal Municipal Council, a resident of Thoubal Pakhangkhong Leirak, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
4. Thingujam Ongbi Sangita Devi, aged about 33 years, W/o Th. Arun Singh, Councillor, Ward No. 14 of Thoubal Municipal Council, a resident of Thoubal Kiyam, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
5. Saphura, aged about 27 years, W/o Md. Khamba Councillor, Ward No. 17 of Thoubal Municiapl Council, a resident of Phouden Manning Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
6. Akoijam Chandrajini Devi, aged about 44 years, W/o W. Dina Singh, Councillor, Ward N. 4 of Thoubal Municipal Council, a resident of Thoubal Awang Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
7. Waikhom Ongbi Santhoi Devi, aged about 50 years, w/o W. Amujao Singh, Councillor, Ward No. 8 of Thoubal Municiapal Council, a resident of Thoubal Pakhangkhong Leirak, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.

8. Ningthoujam Shanti Devi, aged about 55 years, W/o N. Dhananjoy Singh, Councillor, Ward No. 15 of Thoubal Municipal Council, a resident of Kiyam Siphai Heibong Leirak, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
9. Puyam Jiteshwar Singh, aged about 39 years, S/o (Late) P. Shamu Singh, Councillor, Ward No. 3 of Thoubal Municipal Council, a resident of Thoubal Kshetri Leikai, P.O. & P.S. Thoubal, Thoubal District, Manipur-795138.
10. N. Ravi Singh, aged about 39 years, S/o M. Gokul Singh, Councillor, Ward No. 18 of Thoubal Municipal Council, a resident of Thoubal Khunou, P.O. & P.S. Thoubal, Thoubal District, Manipu-795138.

... Respondents/Pvt. Respondents in Writ Petition

B E F O R E
HON'BLE MR. JUSTICE MV. MURALIDARAN
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the Applicants	**:**	Mr. M. Rarry, Addl. AG.
For the respondent	**:**	Mr. Th. Mahira, Adv.
Date of Hearing	**:**	**20.10.2020.**
Date of Order	**:**	**02.11.2020**

O R D E R

(A. Bimol Singh, J)

[1] Heard Mr. M. Rarry, learned Addl. Advocate General, Manipur, appearing for the applicants and Mr. Th. Mahira, learned counsel appearing for the contesting respondent No. 1(writ petitioner).

[2] The present application had been filed for condoning the delay of 27 days in filing the accompanying writ appeal.

[3] In Para No. 3 of the present application, the applicants have

elaborately explained the reasons for the delay of 27 days in preferring the accompanying writ appeal.

The learned Addl. Advocate General submitted that the accompanying writ appeal was to be filed on or before 02.01.2020 and the State Government after consulting with the Law Department sent instructions to the counsel on 16.12.2019 to file the writ appeal. Mr. M. Rarry, learned Addl. Advocate General further contended that the main reasons for the delay in preferring the writ appeal was due to the absence of the conducting counsel, the learned Addl. Advocate General, Manipur, who was out of station during 13.12.2019 to 25.12.2019 to attend a matter in the Hon'ble Supreme Court of India on behalf of the State Government. It is also contended by the counsel for the applicants that after his returned from Delhi on 25.12.2019, the learned Addl. Advocate General could not prepare the writ appeal due to his personal engagements and dental medical problems. Further, the learned Addl. Advocate General was engaged in preparation of everyday hearing before this Court, preparation of urgent counter affidavit, miscellaneous cases, SLP's etc., and because of which he could prepare the writ appeal only on 31.01.2020. Accordingly, there has been unintentional delay of 27 days in preferring the connected writ appeal. Mr. M. Rarry, learned Addl. Advocate General contended that the conducting counsel never had any intention to delay the matter but the same has occurred due to circumstances beyond the control of the counsel

and the State Government as the State Government and their counsels are the largest litigants and have to handle a very large number of pressing cases on daily basis.

[4] Countering the submissions on behalf of the applicants, Mr. Th. Mahira, the learned counsel appearing for the respondent No. 1 contended that no documentary evidence such as affidavit of the main counsel, the learned Addl. Advocate General, Manipur, had not been filed along with the condonation application in support of the plea made at Para No. 3 of the said application and therefore, the counsel submitted that there is no material on record to show sufficient cause for condoning the delay.

[5] After hearing the submissions made by the counsel for the rival parties and after perusal of the records, we are of the view that there is nothing to doubt the correctness of the submissions made by the learned Addl. Advocate General, Manipur, that he was out of station during 13.12.2019 to 25.12.2019, in connection with a matter before the Hon'ble Supreme Court of India on behalf of the State Government and that the counsels representing the State Government have to handle a very large number of pressing cases on daily basis before this Court. We are also of the view that the State Government promptly and within time took all the necessary steps and decisions for filing the connected writ appeal and only because of the personal engagement and dental medical problems of the counsel, who had been entrusted to file the writ appeal, the State

cannot be penalised for such lapses on the part of the conducting counsel in preparing and filing the connected writ appeal.

[6] In view of the above, we allowed this application and condoned the delay of 27 days in preferring the connected writ appeal.

[7] With the above order, the present application is disposed of. No costs.

[8] Registry is directed to number the appeal and post the appeal for admission on 06.11.2020.

JUDGE **JUDGE**

FR/NFR

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