

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 9 of 2020

- Pt. Ravi Shanker Shukla University Through Its Registrar, Pt. Ravi Shanker Shukla University, G.E. Road, Raipur, Chhattisgarh.

---- Appellant.

Versus

1. Ramhin Bai, D/o Shri Purushottam, aged about 45 years,
2. Tamin Bai D/o Shri Purushottam, aged about 42 years,
3. Meena Bai D/o Shri Purushottam, aged about 38 years,
4. Chinta Bai D/o Shri Purushottam, aged about 35 years,
All of residing at Dumartalab, Pt. Ishwarcharan Shukla Ward, Ward No.14, Raipur (CG)
5. Collector Raipur, Land Acquisition Officer and Sub Divisional Officer (Revenue), Raipur, Chhattisgarh.

---- Respondents

For the Appellant :- Mr. Neeraj Choubey, Appellant.
For the Respondents No.1 to 4 :- None.
For the Respondent/State :- Mr. Ravish Verma, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Vimla Singh Kapoor, J.

02.09.2020

Heard on IA No.2/2020, an application for condonation of delay in filing the appeal.

2. There appears to be a huge delay of 778 days in preferring this appeal.

3. The Land Acquisition Case No.25/2012 filed by the respondents No.1 to 4 herein was decreed in their favour vide award dated 30.08.2017 which is under assail in this appeal.

Certified Copy of the said award was provided to the appellant on

20.09.2017. However, the appellant has preferred this appeal on 22.01.2020.

4. While trying to explain this huge delay of 778 days in preferment of the appeal, counsel for the appellant submits that vide letter 22.11.2017 the appellant had written a letter to the State Government and made the request for filing of appeal before the Hon'ble Court thereafter, the appellant/University had again made the request to the State Government for giving permission to file the appeal. He further submits that State Government had filed the FAM No.280/2019 & FAM No.281/2019 before this Court against the order passed by the Court below however, the same was dismissed on the ground of delay against which SLP before the Hon'ble Apex Court is under process. When the same has come in the knowledge of appellant/University, a query has been made by it and for these reasons, the appeal could not be preferred within the time frame provided under the Indian Limitation Act.

5. Counsel for the respondent/State however does not raise any serious objection to the application for condonation of delay as it is merely a formal party.

6. After hearing counsel for the parties and going through the documents on record this Court is of the opinion that no exceptional circumstances had gripped the appellant which prevented it from preferring the appeal well within time particularly when the certified copy of the award was already issued on 20.09.2017. Moreover, this Court is not able to comprehend as to what prevented the

appellant from preferring the appeal within time particularly when the earlier FAM preferred by the State Government was already dismissed way back. The settled position concerning the law of limitation is that when the appellant has sufficient cause for not preferring the appeal and the applications within time, expression “sufficient cause” should be considered with all pragmatism in justice oriented approach rather than a mere technical detection for the same. In this case the explanation offered by the appellant while explaining the inordinate delay on their part in filing the appeal does not appear to be bonafide and therefore, the same is hereby turned down.

7. IA No.2/2020 is therefore, rejected. Consequently the appeal is also dismissed along with other ancillary applications filed by the appellant.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge

Ajay