

HIGH COURT OF CHHATTISGARH, BILASPUR

FA(MAT) No. 121 of 2020

1. Chief General Manager, SECL, Baikunthpur Area, South Eastern Coalfields Limited, District Koriya, CG.
2. Sub Area Manager, Churcha Colliery, South Eastern Coalfields Limited, Churcha Colliery, Tahsil Baikunthpur, District Koriya, CG.

--- Appellants

Versus

1. Sreemati Singh, W/o. Late Brijlal, aged about 28 years, R/o. Subhash Nagar, Ward No. 05, Churcha Colliery, Tahsil Baikunthpur, District Koriya, CG.
 2. Sandhya Singh, D/o. Late Brijlal, aged about 9 years,
 3. Pavan Singh, S/o. Late Brijlal, aged about 6 years,
 4. Sagar Singh, S/o. Late Brijlal, aged about 4 years,
 5. Deepak Singh, S/o. Late Brijlal, aged about 3 years,
- [Respondents No. 2 to 5 are represented through Sreemati Singh, W/o. Late Brijlal, aged about 28 years, R/o. Subhash Nagar, Ward No. 05, Churcha Colliery, Tehsil Baikunthpur, District Koriya, CG.]
6. Commissioner, Coal Mines Provident Fund Officer, Seepat Chowk, Bilaspur, CG.

---- Respondents

For the Appellants :- Mr. Vindod Deshmukh, Appellant.
For the Respondents :- Raj Kumar Gupta, Respondent.

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

Order on Board by Vimla Singh Kapoor, J.

26.08.2020

Heard on IA No.1/2020, an application for condonation of delay in filing the appeal.

2. There appears to be a huge delay of about 9 months in preferring this appeal.

3. The Civil Suit No.2-A/2019 filed by the respondents herein was decreed in their favour vide judgment and decree dated 30.08.2019 which is under assail in this appeal. Certified

Copy of the said judgment was applied for on the same day i.e. on 30.08.2019 and the same was provided to the appellants on 16.09.2019. However, the appellants have preferred this appeal on 15.07.2020.

3. While trying to explain this huge delay of about 9 months in preferment of the appeal, the appellants have taken a stand that as the certified copy of the judgment impugned was not made available to the competent authority by the officer concerned in time, the appeal could not be preferred within the time frame provided under the Indian Limitation Act.

4. This inordinate delay in filing the appeal has been strenuously opposed by the counsel for the respondents.

5. After hearing counsel for the parties and going through the documents on record this Court is of the opinion that no strait circumstances had gripped the appellants which prevented them from preferring the appeal well within time particularly when the certified copy of the judgment and decree was already issued on 16.09.2019. 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 appellants 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.

6. IA No.1/2020 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

Jyotishi/Ajay