

HIGH COURT OF CHHATTISGARH, BILASPUR

FA(MAT) No. 123 of 2020

- Sub Area/Personnel Manager, Koriya Colliery, SECL, Underground Sub Area, South Eastern Coalfields Limited, District Koriya Chhattisgarh.

--- Appellant.

Versus

1. Ku. Sunita, D/o Late Dharmpal, Aged About 19 Years Caste Panika, R/o 64 No. Koriya Colliery, Thana Chirmiri, Tehsil Baikunthpur, District Koriya, Chhattisgarh.
2. Jogesiya Bai, W/o Late Dharmpal, Aged About 50 Years Caste Panika, R/o 64 No. Koriya Colliery, Thana Chirmiri, Tehsil Baikunthpur, District Koriya, Chhattisgarh.
3. Smt. Santoshi, W/o Santram, Aged About 24 Years Caste Panika, R/o 64 No. Koriya Colliery, Thana Chirmiri, Tehsil Baikunthpur, District Koriya, Chhattisgarh.
4. Smt. Tara, W/o Rajkumar, Aged About 22 Years Caste Panika, R/o 64 No. Koriya Colliery, Thana Chirmiri, Tehsil Baikunthpur, District Koriya, Chhattisgarh.

---- Respondents

For the Appellant :- Mr. Vindod Deshmukh, Appellant.
For the Respondents :- None

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 1600 days in preferring this appeal.

3. The Civil Suit No.2-A/2016 filed by the respondents herein was decreed in their favour vide judgment and decree dated 23.02.2016 which is under assail in this appeal. Certified Copy of the said judgment was applied for on the same day i.e. on 23.02.2016 and the same was

provided to the appellant on 29.02.2016. However, the appellant has preferred this appeal on 31.07.2020 i.e. 1600 days after receipt thereof.

3. While trying to explain this huge delay of 1600 days in preferment of the appeal, the appellant has 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, and secondly the countrywide lock-down on account of Corona pandemic also hindered it in so doing.

4. None appears 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 appellant which prevented it from preferring the appeal well within time particularly when the certified copy of the judgment and decree was already issued on 29.02.2016. 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.

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