

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FAM No. 236 of 2019**

- Ganpat Satnami S/o Baliram Satnami Aged About 60 Years Occupation- Agriculture, R/o Village Manikpur, Police Station And Tahsil - Bodla, District- Kabirdham, Chhattisgarh

---- Appellant**Versus**

1. Sunita Bai W/o Late Kalaram Purna Aged About 28 Years R/o Village Manikpur, Police Station And Tahsil Bodla, District- Kabirdham, Chhattisgarh, Present Address - Somnapur, Tahsil Pandariya, District- Kabirdham, Chhattisgarh
2. Ku. Sandhya D/o Late Kalaram Purna Aged About 8 Years Minor Through Their Legal Guardian Mother Namely Sunita Bai W/o Late Kalaram Purna, Aged About 28 Years, R/o Village Manikpur, Police Station And Tahsil Bodla, District- Kabirdham, Chhattisgarh, Present Address - Somnapur, Tahsil Pandariya, District- Kabirdham, Chhattisgarh
3. Chandraprakash S/o Late Kalaram Purna Aged About 6 Years Minor Through Their Legal Guardian Mother Namely Sunita Bai W/o Late Kalaram Purna, Aged About 28 Years, R/o Village Manikpur, Police Station And Tahsil Bodla, District- Kabirdham, Chhattisgarh, Present Address - Somnapur, Tahsil Pandariya, District- Kabirdham, Chhattisgarh

---- Respondents

For Appellant : Shri Dharmesh Shrivastava, Advocate

For Respondents : None though served

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****14/01/2020**

Heard on application (I.A.No.1/19) for condonation of delay in filing appeal.

This appeal is barred by 146 days. The only explanation offered for delay is that the applicant is a poor and illiterate person. It has also been stated that due to paucity of funds, lack of procedure of knowledge, the applicant could not approach

the Court.

The grounds stated in the application is not sufficient for condoning such a long period of delay of about 146 days. It is not a case where the judgment was passed ex-parte. Therefore, to say that the applicant was not aware of the judgment, cannot be accepted. Merely stating that the applicant is a poor villager is not sufficient to explain the delay. How he was not aware of the judgment and his economic condition has also not been stated in the application.

The application is as vague as it could be. Therefore, application for condonation of delay in filing appeal is rejected and consequently, appeal is dismissed as barred by limitation.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge