

HIGH COURT OF CHHATTISGARH, BILASPUR

FA(MAT) No. 82 of 2019

- Oman Prajapati S/o Laxman Prajapati, aged about 28 years, R/o Village Rahud (Sakod) , P.S. Ruchi, Tahsil Gunderdehi, District Balod, Chhattisgarh.

---- Appellant.

Versus

- Shyama Kumari Prajapati D/o Arjun Lal Prajapati R/o Village Khaparidih Post Kisdi, P.S. And Tahsil Saraipali District Mahasamund Chhattisgarh.

---- Respondent

For the Appellant :- Mr. Ganesh Ram Burman, Appellant.
For the Respondent :- Mr. Kishore Narayan, Respondent.

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

Order on Board by Vimla Singh Kapoor, J.

23.09.2020

Heard on IA No.1/2019, an application for condonation of delay in filing the appeal.

2. There appears to be a huge delay of 380 days in preferring this appeal.

3. The judgment impugned under assail in this appeal dismissing the Civil Suit No.17-A/2016 was rendered by learned Family Court on 15.10.2018. The appellant herein however applied for Certified Copy of the said judgment on 08.11.2019 and thereafter the certified copy was issued to the appellant on 11.11.2019. After obtaining the certified copy of the judgment impugned the present appeal has been preferred by the appellant on 03.12.2019.

4. The appellant while explaining such a huge delay of 380 days has assigned innumerable reasons such as financial crunch,

missing of file and the lack of communication with his advocate. The appellant however has not been in a position to offer an explanation as to what prevented him from making an application for obtaining the certified copy after the judgment was passed.

5. The stand taken by the appellant for condonation of huge delay is strenuously negated by the counsel appearing for the respondent on the ground that the explanation put-forth for the same is not satisfactory and un-entertainable as such.

6. The reasons assigned by the appellant which led to occurrence of an inordinate delay of 380 days, if seen in the light of the decisions of the Apex Court in the matter of **University of Delhi Vs. Union of India & others** dated 17.12.2019 rendered in **Civil Appeal No.9488-9489 of 2019 (arising out of SLP (Civil) Nos.5581-5582/2019)** and in the matter of the **State of Andhra Pradesh Vs. Shrinivasa Rao** passed in **SLP (Criminal) Diary No.9616/2020** dated 28.08.2020, appear to be the wholly unacceptable ones and therefore, do not appeal to the judicial conscience of this Court.

7. Therefore, the application for condonation of delay (IA No.1/2019) is hereby rejected and consequently, the appeal too goes by way of dismissal.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge