

IN THE HIGH COURT OF ORISSA AT CUTTACK

L.A.A No. 94 of 2009

State of Orissa & Ors.

.....

Appellants

Mr. G. Rout, ASC

Vs.

Sura Jena & Ors.

.....

Respondents

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

26.10.2022

Misc. Case No. 161 of 2009

Order No.

02.

This matter is taken up through hybrid mode.

2. Though the Misc. Case has been filed on 23.09.2009, praying therein to allow two months time to the Appellants to pay the Court Fee, the Deficit Court Fee was paid on 10.11.2009, which is accepted by extending the said period till the date of payment of such Court Fee.

3. Accordingly, the Misc. Case stands disposed of.

(S.K. MISHRA)
JUDGE

Order No.

03.

L.A.A. No. 94 of 2009

1. This Appeal has been preferred against the judgment dated 28.03.2008, passed by the learned Civil Judge (Senior Division), Athgarh, in L.A. Misc. Case No.10 of 2002 on 23.09.2009.

2. As per the Offie note, there is a delay of 442 days in filing the present Appeal and till date steps for condonation of delay has not been taken by the State-Appellant.

3. In view of the recent judgment/order of this Court in the case of *State of Odisha Vrs. Surama Manjari Das* (W.P.(C) No.15763 of 2021 dismissed on 16.07.2021), which has been passed relying on the decision of the Supreme Court in the case of *The State of Madhya Pradesh Vrs. Bherulal*, reported in *2020 SCC Online SC 849*, this Appeal deserves to be dismissed on the ground of delay and laches.

4. Accordingly, the Appeal preferred under Section 54 of the Land Acquisition Act, 1894, stands dismissed on the ground of delay and laches.

(S.K. MISHRA)
JUDGE

Banita

