

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 140 of 2019

Madhabananda Barik

....

Appellant

Mr. Sidhartha Mishra-1, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. Debakanta Mohanty, AGA for the State
M/s. D.P. Mohanty, Advocate & Associates

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
14.11.2022**

Order No.

04.

1. The challenge in the present writ appeal is to an order dated 25th February, 2019 whereby the learned Single Judge declined to condone the delay of 1397 days in filing the restoration application for restoring O.J.C. No.1999 of 2001 which was dismissed for non-prosecution on 11.03.2015.

2. The explanation offered by the Appellant was that his lawyer did not intimate him of the status of the case and it was only when he came to enquire about it for some personal work on 4th February, 2019, he became aware of the dismissal of the case for non-prosecution.

3. The learned Single Judge has rightly observed that this could not be a sufficient cause. The delay being more than 3 years could not

have been sought to be explained in the above manner which is not convincing at all. The Appellant ought to have followed up the matter periodically with his lawyer to know the current status of the case.

4. Consequently, the Court finds no ground to interfere in the matter. The writ appeal is dismissed.

S. Behera

