

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No. 177 of 2020

***Jagabandhu Nayak and
another***

....

Petitioners

Mr. S. Sahoo, Adv.

-Versus -

Union of India and others

....

Opposite Parties

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

10.01.2022

I.A. No. 62 of 2020

Order No.
01

This matter is taken up through video conferencing mode.

2. This application has been filed for condonation of delay of 202 days in preferring the CMAPL.

3. W.P. (C) No.25290 of 2011 was dismissed for default on 18.07.2019. On perusal of the application, it appears that the petitioners have filed this application for recalling of the order dated 18.07.2019 passed in W.P. (C) No.25290 of 2011 and seeks that the same should be restored.

4. In a similar case, i.e. *State of Odisha and another v. Smt. Bishnupriya Routray and another*, 118 (2014) CLT 588, this Court had not condoned the delay of 706 days in preferring the appeal. Applying the same principle to the present case and looking at the reasons assigned in the

petition, it appears that sufficient cause has not been shown to condone the delay of 202 days in preferring the CMAPL. That apart no due diligence has been indicated in the petition in preferring the CMAPL.

5. Accordingly, I.A. is rejected.

(Dr. B.R. Sarangi)
Judge

CMAPL No. 177 of 2020

Order No.
02

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2. In view of dismissal of I.A.No.62 of 2020 for condonation of delay of 202 days in preferring the application, consequentially the CMAPL No. 177 of 2020 filed by the petitioners is also dismissed.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021.

Ashok

(Dr. B.R. Sarangi)
Judge