

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19206 of 2009

Braja Kishore Satapathy

....

Petitioner

Mr. A.K.Bose, Advocate

-versus-

***Asst. Commissioner of
Endowments and another***

....

Opp.Parties

None

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

**ORDER
21.02.2022**

Order No.

4.

1. The challenge in the present petition is to an order dated 27th November, 2009 passed by the Asst. Commissioner of Endowments (ACoE) in Misc. Case No. 3 of 2009 arising out of O.A. No.9 of 2003 which was a proceeding under Section 68 of the Orissa Hindu Religious Endowment Act, 1951 (OHRE Act).

2. The Petitioner is aggrieved by the Original Application of the Opposite Party being decided against him ex-parte by an order dated 19th May, 2006 of the ACoE. When he filed an application to set aside that ex-parte order nearly three years later under Section 5 of the Limitation Act, the ACoE by the impugned order declined to condone the delay.

3. Having heard Mr. Bose, learned counsel for the Petitioner, and having perused the impugned order, the Court is not

satisfied that it suffers from any legal infirmity that requires interference. Indeed the explanation offered for the inordinate delay of three years was weak and unconvincing. The Petitioner's lawyer had failed to file the written statement within time and the Petitioner was accordingly set ex-parte. He could not claim to be unaware of that consequence by waiting for over three years. No grounds have been made out for interference. The writ petition is dismissed.



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