

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMAPL NO. 171 OF 2021

Beda Majhi

.... ***Petitioner***

Mr. Jagabandhu Sahu, Advocate

-versus-

Mahima Muduli

.... ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
28.03.2022

CMAPL NO. 171 OF 2021
& I.A. No. 73 of 2021

3.
 1. This matter is taken up through hybrid mode.
 2. This is an application for condonation of delay of 1788 days in filing the CMAPL.
 3. The CMAPL has been filed for restoration of RSA No. 61 of 2016, which was dismissed for non-compliance of the order dated 7th April, 2016.
 4. It is contended that in the month of January, 2017, the Petitioner was diagnosed of suffering from cancer and has been undergoing treatment since then. After a little recovery, he asked his conducting counsel about the status of the case, but he could not give any reply. Hence, the Petitioner himself enquired about the matter through another counsel and could come to know that RSA No.61 of 2016 was dismissed for non-compliance of the order dated 7th April, 2016.
 5. On perusal of the limitation petition, it appears that the Petitioner has not provided the particulars about his date of

enquiry, when he contacted his conducting counsel in RSA No. 61 of 2016 and other relevant informations. However, on perusal of the appeal memo, it appears that the only defect pointed out by the S.R. was that “no separate grounds stated in the appeal memo”. But, in fact, the Petitioner has set out the substantial questions of law at Pages-12 and 13 of the appeal memo.

6. Taking into consideration the submission made and the grounds taken in the limitation petition as well as the CMAPL, this Court is satisfied that the delay in filing the CMAPL should be condoned and the CMAPL should be allowed.

7. Accordingly, delay in filing the CMAPL is condoned and the CMAPL is allowed. RSA No. 61 of 2016 is restored to its file.

8. The CMAPL and I.A. are accordingly disposed of.

(K.R. Mohapatra)
Judge

bks