

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL NO.351 of 2022

Binodini Mallick and another* *Petitioners

Mr. Ranjan Kumar Rout, Advocate

-versus-

***Additional District Magistrate,* *Opp. Parties*
Kandhamal Phulbani and others**

Mr. Ajodhya Ranjan Dash,
Additional Government Advocate
(For Opposite Party Nos.1 and 2)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

03.11.2022

Order No.

IA No. of 2022 & CMAPL NO. 351 of 2022

2.
 1. This matter is taken up through hybrid mode.
 2. The application for condonation of delay of 209 days in filing the CMAPL is filed in Court is taken on record.
 3. Office is directed to register the same.
 4. Mr. Rout, learned counsel further submits that although pursuant to order dated 8th December, 2021 passed in the writ petition, learned counsel for the Petitioners offered a copy of the writ petition to learned counsel appearing for Opposite Party No.3 within the stipulated time, but he refused to accept the same. Therefore, learned counsel for the Petitioners sent the copy of the writ petition to Opposite Party No.3 through registered post with AD on 5th August, 2022, which was received by him on 8th August, 2022. He, therefore, submits that the Petitioners have acted in bona fide to comply with the direction of this Court dated 8th December, 2021, but due to the aforesaid circumstances, it could not be complied with. It is his submission that the situation was beyond the control of the

Petitioners and hence the writ petition may be restored to file and may be heard on merit by condoning the delay in filing the CMAPL.

5. From the submission of Mr. Rout, learned counsel for the Petitioners, it appears that he had offered the copy of the writ petition within the time stipulated by this Court in order dated 8th December, 2021, but there is no explanation as to why he sent the copy of the writ petition after a lapse of eight months, i.e., on 5th August, 2022. Thus, the explanation given in para-3 of the petition cannot be treated to be sufficient cause for condonation of delay.

6. Accordingly, this Court is not inclined to entertain the IA for condonation of delay. The IA is accordingly dismissed.

7. Consequentially, the CMAPL is also dismissed.

(K.R. Mohapatra)
Judge

