

IN THE HIGH COURT OF ORISSA AT CUTTACK

LAA No.85 of 2019

Angul Sukinda Railway Limited

....

Appellant

Mr. S.K. Dash &

Mr. A. Sahoo, Advocates

-versus-

Dolagobinda Dehury and others

....

Respondents

Mr. G. N. Rout, ASC

(for O.P. No.2)

CORAM: MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

23.08.2022

I.A. No.163 of 2019

Order

No.

02.

This matter is taken up through hybrid mode.

2. As per the office note, though Deficit Court Fee of Rs.10,500/- has to be paid and in the meantime, Deficit Court Fee of Rs.10,300/- has been paid, still the differential Deficit Court Fee of Rs.200/- is to be paid by the Appellant. This is a matter of 2019. Further, the differential Court Fee amount has not yet been paid by the Appellant till date.

3. In view of such position, this Court is not inclined to entertain the present I.A., which is accordingly dismissed.

(S.K. MISHRA)

JUDGE

I.A. No. 164 of 2019 and LAA No.85 of 2019

03.

Heard.

2. This Appeal has been preferred against the judgment/order

dated 18.11.2017, passed by the learned Senior Civil Judge, Kamakhyanagar in L.A. Misc. Case No.67 of 2016 on 14.10.2019. As per office note, there is a delay of 606 days in filing the present Appeal. Though this I.A. has been filed under Section 5 of the Limitation Act, 1963 for condonation of delay in filing the Appeal, but the reasons indicated in the said I.A. are not convincing and it seems, the delay has not been properly explained.

3. In view of the recent judgment/order of this Court in the case of *State of Odisha Vrs. Surama Manjari Das* (W.P.(C) No.15763 of 2021 dismissed on 16.07.2021), which has been passed relying on the decision of the Supreme Court in the case of *The State of Madhya Pradesh Vrs. Bherulal*, reported in *2020 SCC Online SC 849*, this Court is not inclined to issue notice to the Respondents on the question of limitation in the present I.A.

4. Accordingly, the I.A. stands dismissed, so also the Appeal preferred under Section 54 of the Land Acquisition Act, 1894.

(S.K. MISHRA)
JUDGE