State of H.P. & others vs. Prem Singh

CMP(M) No. 1338 of 2026

26.10.2026 **Present:** Mr. Baldev Singh Negi, Additional Advocate General, for the applicants.

CMP(M) No. 1338 of 2026

In sequel to the order dated 18th August 2026, notices were issued to the respondents, which have been duly served. Mr. Sanjeev K. Suri, Advocate, had filed power of attorney on behalf of the respondents before the learned Additional Registrar on 24th September 2026.

Today, neither he has put in appearance nor has any reply been filed to the application under Section 5 of the Limitation Act.

The instant application has been filed for condonation of delay in filing the present appeal.

It has been contended in the application that the impugned judgment was passed by the learned District Judge, Mandi, on 17th January 2026. As per the case set up by the applicant, the District Attorney applied for the certified copy of the judgment on 19th January 2026, the same was attested on 4th February 2026, and delivered on the very same date. Thereafter, the District Attorney sent the copy of the judgment along with the relevant record to the office of the Executive Engineer, HPPWD Division, Gohar. The Executive Engineer, HPPWD Division, Gohar, forwarded the matter to the office of the Superintending Engineer, who further forwarded the same

to the office of the Engineer-in-Chief. Primarily, it has been stated in the application that since the case file went through different administrative channels, an inadvertent delay of 76 days occurred in filing the instant appeal. The delay in filing the appeal is neither intentional nor willful, but occurred due to unavoidable administrative circumstances.

This Court is convinced that, in view of the averments made in the application, especially paragraphs 2(a) to 2(e), which are duly supported by an affidavit, the present application is allowed and delay in filing the appeal is condoned.

Application stands disposed of.

RSA No. _____ of 2026.
(RAST/ 47423/2016)

Appeal be registered.

Heard.

Admit.

Issue post-admission notice for the service of the respondents, returnable within four weeks, on taking steps within three days.

List is due course.

In the meantime, record be requisitioned.

CMP No. _____ of 2026

(CMPST 47429/26)

Be registered.

During the pendency of the appeal, operation, implementation, and execution of the impugned judgment and

decree dated 29.05.2025, passed by passed learned Civil Judge, Chachiot at Gohar, Mandi, H.P. in case No. 10/2021, titled Prem Singh vs. State of H.P. & others, which was affirmed by learned District Judge, Mandi, H.P. in Civil Appeal No. 44 of 2025, titled State of H.P. & others vs. Prem Singh, vide judgment and decree dated 17.01.2026 shall remain stayed.

(Romesh Verma)
Judge

October 26, 2026 *(*Nisha)