HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL DEFECTIVE No. - 224 of 2022

State of U.P.

.....Appellant(s)

Versus

Sabbal

.....Respondent(s)

Counsel for Appellant(s)	:	Tej Bhanu Pandey
Counsel for Respondent(s)	:	Chaudhary Subhash Kumar, Hemant Kumar Srivastava, Kirti Kumar Nirkhi, Prem Chand, Shobhit Saxena

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

(Order On Delay Condonation Application)

1. This is an application seeking condonation of delay of 1085 days in filing the appeal.

2. Learned counsel for the appellant submitted that after the judgment and decree was passed, a legal opinion was obtained from the District Government Counsel (Civil), Mau, who, vide opinion dated 24.5.2018, advised against filing an appeal. Thereafter, the District Administration corresponded with the State Government on several occasions for the release of the compensation amount. Subsequently, on 6.7.2021, the Additional District Magistrate (Land Revenue), Mau, again sought a legal opinion, pursuant to which the District Government Counsel (Civil), Mau, vide opinion dated 9.7.2021, advised filing a first appeal along with an application for condonation of delay.

3. Learned counsel further submitted that thereafter the requisite permission and sanction for filing the appeal were sought from the State Government. The necessary proposal was submitted on 22.7.2021, and ultimately, permission to file the appeal was granted by the competent authorities on 19.5.2022 and 23.5.2022. Thereafter, the District Magistrate, Mau, requested the Chief Standing Counsel on 12.6.2022 for filing of the appeal. The concerned officials, along with the available record, approached the office of the Chief Standing Counsel on 14.6.2022; however, as the complete record of the court below was not available, the same was subsequently produced

on 24.6.2022. Thereafter, upon preparation of the requisite papers, the present appeal was filed. It was, therefore, submitted that the delay in filing the present appeal was neither deliberate nor intentional, but occurred due to the aforesaid administrative and procedural reasons. Accordingly, it was submitted that the delay deserves to be condoned in the interest of justice.

4. Learned counsel for the respondent, on the other hand, submitted that the grounds set forth by the appellant in support of the application seeking condonation of delay are not sufficient and that no sufficient cause has been shown for condoning the inordinate delay.

5. Heard Learned counsel for the parties and perused the record.

6. It is evident from the record, that on several occasions, permission to file the appeal was either declined or the requisite clear and proper proposal for filing the first appeal before this Court was not submitted by the concerned authorities. Further, the circumstances indicate that the appeal has been filed merely with a view to somehow challenge the judgment and decree, without any bona fide intention to point out any illegality or infirmity therein. Accordingly, this court is of the view that no sufficient cause has been shown for condoning the delay of 1085 days and that the application is liable to be dismissed.

7. Therefore, in light of the foregoing discussion, this Court finds that the explanation furnished by the appellant does not constitute sufficient cause for condoning the inordinate delay of 1085 days.

8. Accordingly, the application seeking condonation of delay is dismissed.

October 5, 2026
Mukesh

(Anil Kumar-X,J.)

Digitally signed by :-
MUKESH SRIVASTAVA
High Court of Judicature at Allahabad