HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL DEFECTIVE No. - 1083 of 2026

Jagannath Ram

.....Appellant(s)

Versus

Divisional Launging Manager And Another

.....Respondent(s)

Counsel for Appellant(s) : Surya Pratap Singh Parmar
Counsel for Respondent(s) :

Court No. - 34
(Sl. No. 10)

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Surya Pratap Singh Parmar, learned counsel for the appellant.

2. The instant first appeal has been filed by the appellant, herein, being aggrieved by the order dated 15.7.2026 passed in Civil Suit No. 130 of 2022, whereby application under Order-7 Rule-11 CPC was allowed and the suit filed by the plaintiff-appellant was dismissed being time barred.

3. Briefly stated facts of the case are that the appellant, herein, was working in the Forest Department as Public Welfare Assistant/ Section Officer, District Sonebhadra. In the year 2007, certain allegations with regard to the embezzlement were levelled against the petitioner for which criminal prosecution being Case Crime No. 171 of 2007 under Section 409 IPC was also lodged against the appellant. In the said criminal case, vide judgment and order dated 9.6.2011, the appellant, herein, was acquitted. There upon, the appeal was filed against the acquittal order which was also dismissed on 12.12.2012. There upon, the appellant continued to agitate the issues regarding the retiral dues and pensionary benefits etc. with the department by filing writ petition before this Court which was allowed infavour of the petitioner in the year 2018 and thereupon, Special appeal was filed, which was dismissed on 30.03.2018. Thereafter, Special Leave Petition was filed before the Apex Court by the respondent department which was also dismissed/

disposed of finally on 24.9.2018. There upon the appellant continued to further raised issues with regard to the grievances related to the payment of retiral dues and arrears of salary etc. before this Court by filing another Writ Petition and subsequently, the appellant, herein, has chosen to file Civil Suit No. 130 of 2022 seeking compensation for his malicious prosecution against the respondent-department. Thereupon, an application under Order-7 Rule-11 was filed on behalf of the respondent, claiming that the suit filed by the appellant, herein, was time barred as the limitation for filing such suit is within one year from the acquittal in the criminal case whereas the instant suit has been filed more than 11 years after the acquittal order and 10 years after the appeal against the acquittal was dismissed, therefore, the suit was time barred.

4. The trial court vide the impugned order dated 18.7.2026 has allowed the said application filed under Order-7 Rule-11 CPC and has declared that the suit filed by the plaintiff-appellant was time barred. Being aggrieved, the instant appeal has been filed by the appellant, herein.

5. Learned counsel for the appellant is not in a position to demonstrate any illegality in the impugned order whereby the suit has been declared as time barred. Admittedly, the acquittal order was passed on 9.6.2011 and the appeal against the acquittal order was dismissed on 12.12.2012, therefore, apparently, the suit was time barred.

6. Accordingly, the instant appeal is **dismissed.**

(Anish Kumar Gupta,J.)

October 24, 2026
n.u.

Digitally signed by :-
NASEEM UDDIN
High Court of Judicature at Allahabad