

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No.193/2016

S.M. Umak (Sanjay Madhukarrao Umak) **Versus** Kalu Ram & Others

22/11/2018	Shri Yogesh Pandey, counsel for the Appellant. None for the respondent No.1, though served. Shri A.P. Sharma, counsel for the respondent No.2. Ms. K Tripti Rao, P.L. for the State. Heard on application for condonation of delay in filing the appeal. The appeal is barred by 182 days. The reason assigned for seeking condonation of delay in filing the appeal is that there was some communication gap between the appellant and his counsel and the appellant was belatedly informed regarding the dismissal of his suit in the month of March and soon thereafter he acted promptly and after obtaining copy of the impugned judgment/decreed present appeal was filed on 13th of June, 2016. Learned counsel for the respondent opposes and submits that the explanation given by the appellant is not specific and the appellant may not be entitled to seek condonation of delay on account of lapse of his counsel. Having considered the submissions of both the parties, particularly taking into consideration the cause shown for delay in filing the appeal is that there was some communication gap between the counsel and the appellant, the appellant does not appear to be acting negligently and has acted bonafide, we are

inclined to condone the delay in filing the appeal.

Accordingly, application for condonation of delay in filing the appeal is condoned.

Call for the records and list the appeal for admission and consideration of other interim applications.

**Sd/-
Manindra Mohan Shrivastava
Judge**

**Sd/-
Gautam Chourdiya
Judge**