

HIGH COURT OF CHHATTISGARH, BILASPUR

FA No. 115 of 2019

State of Chhattisgarh **Versus** Gyan Kaur

16/06/2023	Mr. Raghvendra Verma, G.A. for the State/Appellant. Mr. Amit Soni, Mr. Pramod Shirvastava, Mr. Shivendu Pandya, Mr. Rahul Mishra, Mr. Dev Ashish Biswas and Mr. Rajeev Bharat, counsel for respective respondents. Heard on I.A. No. 1 of 2023, an application for condonation of delay of 108 days in filing the appeal. Learned counsel for the appellant submits that the impugned judgment and decree was delivered on 06.08.2018 and immediately thereafter the Collector, Sarguja, Ambikapur vide its letter dated 07.09.2018 had sought permission to file the instant appeal from the Secretary, Department of Law and Legislative Affairs, Raipur and also from the secretary, Department of Revenue, Raipur and contended further that in pursuance of the said letter, the sanction was given to file the instant appeal. It is contended further that after obtaining the sanction as such, an officer in-charge of the case was appointed on 31.12.2018 who made all efforts to collect the requisite documents which were required for filing the appeal and after obtaining the requisite papers, the instant appeal has been filed. It is, contended by learned counsel for the appellant that since there was no malafied intention behind it, therefore, the delay, which has been occurred bonafidely, may kindly be condoned in the interest of justice. On the other hand learned counsel for respondents have opposed the said application by saying that the reasons as assigned in the application is not sufficient to condone the delay,

therefore, the application as filed deserves to be rejected.

Having considered the aforesaid contention of the parties, and that by considering the reasons assigned in the application, which is duly supported by an affidavit, I am inclined to allow the same.

Accordingly, the application is allowed and delay is condoned.

I.A. No. 01 of 2023, thus, disposed of.

Let the matter be listed for admission after two weeks.

Sd/-

(Sanjay S. Agrawal)

Judge