

HIGH COURT OF CHHATTISGARH, BILASPUR  
Order Sheet

MAC No. 1300 of 2019

Divisional Manager **Versus** Kamlesh Shrivastava

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05.12.2019	<p>Shri B. N. Nande, counsel for the Appellant.</p> <p>Shri Ravindra Shamra, counsel for Respondents No. 1 to 3.</p> <p>Respondent No. 4 is reported to be unserved.</p> <p>None for Respondent No. 5, though served.</p> <p>Shri Nande submits that the notice upon Respondent No. 4/Driver may be dispensed with in so far as consideration of an application for condonation of delay is concerned, as the Claimants have already initiated the execution proceeding.</p> <p>On due consideration of the aforesaid contention, the service of notice upon Respondent No. 4 for consideration of the said application is hereby dispensed with.</p> <p>Heard on I.A. No. 1/2019, an application for condonation of delay of 23 days in filing this appeal.</p> <p>It is contended by Shri Nande that after obtaining the opinion from the concerned counsel of the Court below, a sanction for filing an appeal was sought from the Prescribed Authority and, immediately thereafter, the instant appeal has been filed. The alleged delay of 23 days has therefore been occurred bona fide and there is no <i>mala fide</i> intention behind it. He, therefore, prays for condonation of delay in filing this appeal.</p>

On the other hand, Shri Ravindra Sharma, counsel for Respondent No. 1, while opposing the said application submits that the delay as assigned in the application is vague in nature and the same has not been explained properly. The application as framed, is therefore, liable to be rejected.

On due consideration of the aforesaid contention of the parties, I am inclined to allow this application.

The application is allowed and delay is accordingly condoned.

I.A. No. 1/2019 stands disposed of.

Post this matter on 11.12.2019 for consideration on admission as well as on interim applications.

**Sd/-  
(Sanjay S. Agrawal)  
JUDGE**