



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1726 of 2018

DILIP VERMA *versus* SMT SUDHARA BAI

Order Sheet

07/01/2026	Mr. Abhinav Dubey, Advocate on behalf of Mr. Sunil Tripathi, Counsel for the appellant. Mr. K.K. Pandey, Advocate on behalf of Mr. A.L. Singroul, Counsel Counsel for the respondent. Heard on I.A. No. 01/2018, application fo condonation of dealy in filing the appeal. Learned counsel for the appellant–owner submits that the appeal is barred by limitation by about 575 days. It is argued that the said delay occurred on account of incorrect legal advice, as the appellant had earlier filed a writ petition bearing W.P. No. 227/03 of 2018 under Article 227 of the Constitution of India before this Court in a bona fide belief of seeking appropriate relief. The said writ petition, filed in the year 2018, was dismissed vide order dated 08.03.2018, whereafter the present MAC appeal was filed on 28.09.2018. It is therefore submitted that the delay

Vishakha	caused due to bona fide prosecution of the matter before an incorrect forum deserves to be condoned. Learned counsel for the respondent–claimants objects to the prayer for condonation of delay, contending that the period of delay is enormous and not liable to be condoned. Considering the facts and circumstances of the case, and taking into account that the appellant had earlier approached this Court under Article 227 of the Constitution of India in a bona fide belief and on incorrect legal advice, which resulted in prosecuting the matter before a different forum, this Court is of the opinion that sufficient cause has been shown. Accordingly, I.A. No. 01/2018 is allowed and the delay in filing the appeal is condoned. List the matter for further hearing in the week after next. sd/- (Amitendra Kishore Prasad) Judge
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