

**HIGH COURT OF CHHATTISGARH AT BILASPUR****FA No. 187 of 2025**

M/S PYARELAL AND SONS WHOLESALE **versus** NAGAR PALIK
NIGAM

Order Sheet

12/03/2026	Shri Ravindra Sharma, learned counsel for the appellants. Shri Swati Agrawal, learned counsel for the respondent No. 1 & 2. Shri Ratnesh Kumar Agrawal, learned counsel for the respondent No. 5. On 17.09.2025, notices were issued to Respondent Nos. 3 and 4. As per the office report, the notices issued to Respondent Nos. 3 and 4 have been duly served upon them; however, none has appeared on their behalf.

Heard on I.A. No. 02/2025, an application filed under Section 5 of the Limitation Act seeking condonation of delay in filing the appeal.

Learned counsel for the appellants submits that during the pendency of the civil suit, the original plaintiff, who was the father of the present appellants, died on 23.08.2024. After his death, an application for substitution of legal representatives was filed on 12.09.2024 before the trial Court. It is further submitted that the said application was being pursued by the counsel engaged before the trial Court and, meanwhile, talks of settlement between the parties were also going on. Due to these circumstances, the appellants could not obtain timely information regarding the decision of the civil suit. It is only upon receiving notice in the execution proceedings that the appellants came to know about the judgment and decree, whereafter the present appeal has been filed.

Learned counsel appearing for Respondent No. 5 opposed the application and submitted that

the explanation furnished by the appellants is not sufficient for condonation of delay in filing the appeal.

Heard learned counsel for the parties and perused the record.

From a perusal of the application and the reasons stated therein, and considering the submissions advanced by both sides, it appears that the dispute is between family members and that during the pendency of the suit the original plaintiff died. The present appellants are the legal representatives of the original plaintiff. In the circumstances explained in the application, the delay in filing the appeal appears to be bona fide and sufficiently explained.

Accordingly, I.A. No. 02/2025, filed under Section 5 of the Limitation Act, is allowed. The delay in filing the appeal is hereby condoned.

Let the records of the trial Court be

summoned.

List this appeal for hearing on I.A. No. 01/2025
(application under Order 41 Rule 5 of CPC) on
19.03.2026.

Sd/-

(BIBHU DATTA GURU)
Judge