

**The Principal Secretary Revenue to the Govt. of
H.P. and others vs. Sant Ram and others
CMP(M) No. 314 of 2025**

07.01.2026 Present:

Mr. Diwakar Dev Sharma, Additional Advocate General, for the applicants/appellants/State.

Mr. Malay Kaushal, Advocate, for respondents No. 1, 3 & 4.

Heard counsel for the applicants Perused the pleadings.

In the filing of the present appeal, there is a delay of about 75 days. The same has been duly explained in the application filed for condonation of delay. Even otherwise, while dealing with an application for condonation of delay filed by the State, one has to be conscious of the bureaucratic delays, impersonal nature of the Government functioning, institutional interest and hence a justice oriented liberal approach has to be taken while dealing with such applications.

In this respect, it would be appropriate to refer to decision of the Hon'ble Apex Court passed in State of Manipur and others vs. Koting Lamkang, 2019 (10) SCC 408. The relevant extract of the same is being reproduced herein below:-

"7. But while concluding as above, it was necessary for the Court to also be conscious of the bureaucratic delay and the slow pace in reaching a government decision and the routine way of deciding whether the State should prefer an appeal against a judgment adverse to it. Even while observing that the law of limitation would harshly affect the party, the Court felt that the delay in the appeal filed by the State, should not be condoned.

8. Regard should be had in similar such circumstances to the impersonal nature of the Government's functioning where individual officers may fail to act responsibly. This in turn, would result in injustice to the institutional interest of the State. If the appeal filed by State are lost for individual default, those who are at fault, will not usually be individually affected".

Other than the aforesaid, it would also be appropriate to refer to judgment dated 09.10.2023, passed in Civil Appeal No.5867 of 2015 titled Sheo Raj Singh (deceased) through LRs. and others vs. Union of India and another. The relevant extract of the same is being reproduced herein below:-.

“37. Having bestowed serious consideration to the rival contentions, we feel that the High Court’s decision to condone the delay on account of the first respondent’s inability to present the appeal within time, for the reasons assigned therein, does not suffer from any error warranting interference. As the aforementioned judgments have shown, such an exercise of discretion does, at times, call for a liberal and justice-oriented approach by the Courts, where certain leeway could be provided to the State. The hidden forces that are at work in preventing an appeal by the State being presented within the prescribed period of limitation so as not to allow a higher court to pronounce upon the legality and validity of an order of a lower court and thereby secure unholy gains, can hardly be ignored. Impediments in the working of the grand scheme of governmental functions have to be removed by taking a pragmatic view on balancing of the competing interests.”

For the reasons/sufficient cause stated/shown in the application & the aforesaid proposition of law, delay of 75 days in filing the present appeal is condoned. Application stands disposed of.

RSA No. _____ of 2026

Be registered.

In pursuance to the order dated 23rd September, 2025, the rectified memo of parties has been filed.

List for admission immediately after ensuing winter vacation in the 3rd week of March, 2026.

**(Bipin C. Negi)
Judge**

7th January, 2026
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