

State of H.P. & others vs. Durgu @ Rattan Singh & others

CMP(M) No. 578 of 2026

29.06.2026 Present: Mr. Baldev Singh Negi, Addl. A.G., for the applicants.

None for the respondents.

On 22.04.2026, notices were issued for the service of the respondents. As per report of the Registry, the respondents stand duly served.

On 02.06.2026, it was recorded in the order that none has put in appearance on behalf of the respondents. Therefore, in the interest of justice, list the matter after two weeks.

Today, when the case is listed, none has appeared on behalf of the respondents. Consequently, the respondents are proceeded against ex-parte.

The present application has been filed for condonation of delay of 255 days in filing the present appeal. It has been averred that the impugned judgment was passed by learned District Judge, Bilaspur on 10.03.2025. Learned counsel for the applicant had applied for certified copy of impugned judgment on 10.03.2025 and the same was delivered on 24.03.2025. Thereafter, the District Attorney, Bilaspur vide office letter Nil had intimated the Department that the civil Appeal has been dismissed by the Court and limitation to

file RSA will expire on 09.06.2025. On receipt of opinion, the District Attorney intimated that as per common opinion of the Government dated 17.05.2025, the draft appeal was prepared and submitted to Deputy District Attorney, office of Chief Engineer, HPPWD, Hamirpur vide Executive Engineer, Jhandutta vide letter dated 17.01.2026 and vetted on 20.10.2026 and forwarded the same to the office of learned Advocate General on 20.01.2026. The appeal was vetted on 30.01.2026 and in this process, delay has occurred. Therefore, it has been prayed that the delay in filing the appeal is neither intentional nor willful, but the same has occurred due to unavoidable circumstances.

Consequently, in view of the averments as made in the application, especially in paras 2 and 3, which is duly supported by an affidavit and in view of submissions as made by learned Additional Advocate General for the applicants, the present application is allowed and the delay in filing the appeal is condoned.

Accordingly, the application stands disposed of.

RSA No._____/2026

Appeal be registered.

Issue notice to respondents No. 1 (i) and 1 (ii), returnable after four weeks, on steps being taken within three days.

CMPST No. 19822 of 2026

Be registered.

It is ordered that during the pendency of the appeal, the operation, implementation and execution of impugned judgment and decree dated 29.06.2024, as passed by the learned Civil Judge, Jhandutta, District Bilaspur and affirmed by the learned District Judge, Bilaspur vide judgment dated 10.03.2025, are ordered to be stayed, subject to alteration and modification.

Application stands disposed of.

(Romesh Verma)
Judge

29th June, 2026
(kck)