

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**L.P.A. No.213 of 2013**

Madhu Saxena @ Madhu Saksena .....Appellant.

-Versus-

Bank of India & others ..... Respondents.

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**CORAM : HON'BLE MR. JUSTICE NARENDRA NATH TIWARI  
HON'BLE MR. JUSTICE P. P. BHATT**

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For the Appellant : Mr. Sunil Kumar Sinha, Advocate.

For the Respondents: Mr. A. Allam, Sr. Advocate &  
Mr. Rajesh Kumar, Advocate

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**(IA No. 4035 of 2013)**

**4/13.8.2013:** In this interlocutory application, the appellant has prayed for condonation of 84 days' delay in filing the appeal.

It has been submitted that this appeal has been filed against the judgment passed in W.P. (S) No. 231 of 2002. The appellant is widow of the petitioner of the said writ petition. After the judgment was delivered, learned counsel had communicated about the same at the address of the writ petitioner (husband of the appellant). Since after the death of her husband, the appellant has been staying with her sons, who are employed in Mumbai and Delhi. Due to the said reason, she could know about the about the judgment belatedly. As soon as she got the information about the disposal of the writ petition, she applied for the certified copy of the judgment. After obtaining the certified copy and arranging fund, she approached her counsel and requested for filing this appeal. Thereafter, memo of appeal was prepared and the same was immediately filed on 26.6.2013.

Learned counsel for the appellant submitted that there was no willful negligence or delay on the part of the appellant and she was prevented from filing the appeal within time under the said circumstances beyond her control.

Learned counsel for the respondents has opposed the application. However, no affidavit in opposition has been filed, controverting the reasons explained in the application.

Considering the reasons shown in the application, we are satisfied that there is no deliberate delay or negligence on the part of the appellant in not preferring the appeal earlier and she was prevented from doing so under the circumstance beyond her control.

This interlocutory application is, accordingly, allowed. Delay in filing the appeal is condoned.

IA No. 4035 of 2013 stands disposed of.

**(Narendra Nath Tiwari, J.)**

**(P. P. Bhatt, J.)**