

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Review No. 98 of 2018

Subhash Chandra Sahu

... **Petitioner**

Versus

The State of Jharkhand and Others

... **Opposite Parties**

CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner

: Mrs. Ritu Kumar, Advocate

Mr. Rohit Ranjan Sinha, Advocate

For the Opposite Party-State : Mr. Rahul Kumar Gupta, Sr. S.C I

Mr. Akshay Verma, A.C to Sr. S.C I

Order No. 05 : Dated 08th November, 2019

Mrs. Ritu Kumar, the learned counsel for the petitioner seeks permission to make correction in the application seeking condonation of delay vide I.A No. 1709 of 2019.

The learned counsel for the petitioner submits that inadvertently the period of delay which should be 79 days has been typed incorrectly as 109 days.

Permission is granted.

Let necessary correction be done during course of the day.

I.A No. 1709 of 2019

This application has been filed seeking condonation of delay of 79 days in filing this civil review petition.

The learned counsel for the petitioner submits that after dismissal of the Letters Patent Appeal filed by the petitioner vide L.P.A No. 534 of 2016, the petitioner approached the Hon'ble Supreme Court in Special Leave to Appeal (C) No. 28701 of 2018 which was dismissed by an order dated 13.11.2018. Thereafter, the petitioner has filed this civil review petition on 12.12.2018, however, in the mean-time delay of 79 days has occurred.

The learned counsel for the petitioner submits that the delay so occurred in filing this civil review petition is not intentional and it was occasioned due to the circumstances beyond the control of the petitioner.

Mr. Rahul Kumar Gupta, the learned State counsel, however, raises an objection to condonation of delay. The submission urged by the learned State counsel is that the petitioner has failed to plead sufficient cause for condoning the delay of 79 days.

A glance at paragraph no. 3 of the application for condonation of delay would disclose that the petitioner has taken a stand that due to paucity of fund; he has five family members to support, and on account of his approaching the Hon'ble Supreme Court, the delay in filing civil review petition has occurred.

By now it is fairly settled that an application seeking condonation of delay is considered leniently and normally parties are granted opportunity to contest the matter on merits; it is a statutory right of the petitioner to prefer a civil review petition.

Viewed thus and being satisfied that the petitioner has pleaded sufficient cause for condoning the delay of 79 days, I.A No. 1709 of 2019 is allowed.

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Mr. Rahul Kumar Gutpa, the learned State counsel is granted four weeks' time for filing an affidavit-in-opposition.

Post the matter after six weeks after taking permission of Hon'ble the Acting Chief Justice.

Liberty to mention.

(Shree Chandrashekhar, J.)

(Rongon Mukhopadhyay, J.)