

Yesh Priya @ Yash Priya ... .. Appellant

**Versus**

Suraj Kumar Rajak and Anr. ... .. Respondents

For the Appellant : Mr. Ashutosh Pd. Joshi, Advocate

1. Notice was issued by this Court upon the respondent vide order dated 23.04.2026 on the issue of limitation under both processes.
2. It is evident from the office note dated 11.06.2026 that the notice has been shown to be received personally as per the service report.
3. We have gone through the aforesaid and found that the notice has been shown to be received personally by the respondent and the speed post tracking shows that the same has been delivered.
4. There is no appearance on behalf of the respondent as yet.
5. Learned counsel for the appellant has submitted that there is no appearance on behalf of the respondent even after service of notice, as such, he is pressing the delay condonation application filed under Section 5 of the Limitation Act.
6. This Court, considering the fact that even after service of notice upon the respondent, the respondent has chosen not to appear, as such, thinks it proper to proceed to consider the delay condonation application.

7. The instant interlocutory application has been filed for condonation of delay of 197 days which has occurred in filing the present appeal

8. Learned counsel for the appellant has submitted that the delay of 197 days in filing the instant appeal may be condoned so that the matter be heard and decided on merits.
9. There is no opposition on behalf of the respondent to the submission made on behalf of the appellant.
10. Heard the learned counsel for the parties.
11. Considering the reason assigned in the instant interlocutory application, particularly at paragraph-7 thereof, the delay of 197 days in filing the instant appeal, is hereby, condoned.
12. Accordingly, the present interlocutory application stands allowed, as such, disposed of.

**F.A. No. 211 of 2026:**

13. Admit.
14. Call for the trial court record.
15. Since there is no appearance on behalf of the respondent, let fresh steps for service of notice be taken upon the respondent to be served through the jurisdictional police station. Requisites for which under ordinary process be filed within a week.
16. Office is directed to effect the notice through the S.S.P., Dhanbad.
17. Let the S.S.P., Dhanbad be impleaded as party-respondent.
18. Mrs. Kumari Rashmi, learned Additional Public Prosecutor is present in the Court and appears on behalf of the State, is requested to waive notice on behalf of the newly impleaded respondent.
19. Accordingly, Mrs. Kumari Rashmi, learned Additional Public Prosecutor waives notice on behalf of the newly impleaded respondent.
20. Let the affidavit be filed by the S.S.P., Dhanbad in this regard.

21. Let the name of Mrs. Kumari Rashmi, learned Additional Public Prosecutor be reflected in the daily cause list.
22. Learned counsel for the appellant is directed to serve the copy of memo of appeal along with its Annexures to Mrs. Kumari Rashmi, learned Additional Public Prosecutor by tomorrow.

**(Sujit Narayan Prasad, J.)**

**(Sanjay Prasad, J.)**

**12<sup>th</sup> June, 2026**

*Saurabh/-*