



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMAPL No.630 of 2022

Satyanarayan Rout and Others* *Petitioners

Mr. Manas Kumar Chand, Advocate

-versus-

Bhawanipatna Mosque and Another* *Opp. Parties

Mr. Md. Fayaz, Advocate for O.P. No.2

CORAM:
JUSTICE K.R. MOHAPATRA
JUSTICE SAVITRI RATHO

ORDER
14.07.2025

Order No.

I.A. No.178 of 2025

- 04.
1. This matter is taken up through hybrid mode.
 2. This is an application under section 5 of the Limitation Act for condonation of delay of 95 days in filing this CMAPL.
 3. Mr.Arun Kumar Mishra-2 and his associates entered appearance on behalf of Opposite Party No.1 by filing Vakalatnama in Court today, which is taken on record. Name of Mr.Mishra, learned counsel appearing for the Petitioner No.1 be reflected in the cause list so also on the brief.
 4. Mr.Fayaz, learned counsel for the Opposite Party No.2-Orissa Board of Wakf is present.
 5. Mr. Chand, learned counsel for the Petitioners submits that the writ petition was listed on 13.07.2022. But due to non-appearance of learned counsel for the Petitioners, it was dismissed for non-prosecution. None appearance of the learned counsel for the Petitioners was neither deliberate nor intentional. As learned counsel



for the Petitioners could not keep track of the matter, there was delay in filing the CMAPL. It is his submission that the Petitioners have a fair chance of success in the writ petition. Hence, he prays for condoning the delay and to take up CMAPL on merit.

6. Mr. Mishra, learned counsel for the Opposite Party No.1 submits that the delay of 95 days has not been properly explained in the petition for condonation of delay. No reason has been assigned as to why the learned counsel for the Petitioners could not appear on the date to which the writ petition was posted, i.e., on 13.07.2022. Hence, the petition for condonation of delay should not be allowed.

7. Mr. Fayaz, learned counsel for the Board of Wakf submits that the Petitioners had filed the writ petition assailing the judgment dated 31.12.2011 passed by the Wakf Tribunal in W.T.(O)/O.A.3 of 2010. Since the Petitioners were not diligent in pursuing the writ petition, the same was dismissed for non-prosecution. He, however, submits that the Court may consider the application and pass necessary orders.

8. Taking note of submission of the learned counsel for the parties, this Court finds that there is delay of 95 days in filing the CMAPL. As it appears that delay in filing the CMAPL was *bona fide*, hence the delay in filing the CMAPL is condoned.

9. The I.A. is accordingly disposed of.

CMAPL No.630 of 2022

05. 1. Copy of the CMAPL shall be served on Mr. Mishra, learned counsel for the Opposite Party No.1, in course of the day, as undertaken by Mr. Chand, learned counsel for the Petitioners.



2. Put up this matter on 4th August, 2025 under the heading “Fresh Admission” along with the disposal case record of W.P.(C) No.608 of 2012.

(K.R. Mohapatra)
Judge

(Savitri Ratho)
Judge

Himansu

Signature Not Verified

Digitally Signed
Signed by: HIMANSU SEKHAR DASH
Reason: Authentication
Location: OHC
Date: 15-Jul-2025 14:44:51

