

SPA No.163 of 2020

Hon'ble Ravi Malimath, A.C.J.

Hon'ble R. C. Khulbe, J.

Shri Paresh Tripathi, learned chief standing counsel, for the State/ appellants.

Shri Alok Mahra, learned counsel for the respondents.

Delay condonation application (CLMA 6656 of 2020)

Heard learned counsels.

There is a delay of 530 days in filing the appeal. The reason assigned is that after the initial order was passed by the learned Single Judge, the matter was referred to the State Government in order to file a review petition or to file an appeal. Subsequently, a review petition was filed. There was a delay in filing the review petition. The review Court condoned the delay but, however, dismissed the review petition. Thereafter, the instant appeal has been filed. In the interregnum, the delay has occasioned. Hence, it is pleaded that the delay be condoned.

The same is disputed by the respondents' counsel.

On hearing learned counsels, we are of the view that the appellant has made out sufficient cause to condone the delay; that the appellant was pursuing his remedy before the review Court, therefore, that period requires to be excluded. Even otherwise, on considering the reasons assigned, we are of the view that the same constitutes sufficient cause. Hence the delay in filing the appeal is condoned. The application is allowed accordingly.

Stay application (CLMA 6655 of 2020)

In

Special Appeal No.163 of 2020

Heard learned counsels.

Admit.

There shall be a stay of the order dated 14.2.2019 passed by the learned Single Judge in WPSS No.303 of 2019 (*Amar Nath Singh Chaudhary and others v. State and others*) and all further proceedings.

Stay application (CLMA 6655 of 2020) is disposed off accordingly.

Post for hearing in the usual course.

(R.C. Khulbe, J.)

(Ravi Malimath, A.C.J.)

15.09.2020

R.D.