
(2010) 03 RAJ CK 0052
In the Rajasthan High Court

Ajay Vyas and Another

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 05-03-2010

Acts Referred:

Constitution of India, 1950 — Article 225
Limitation Act, 1963 — Section 5

Citation : (2010) 03 RAJ CK 0052

Hon'ble Judges : Dinesh Maheshwari, J;A.M. Sapre, J

Bench : Division Bench

Judgement

1. Heard on application made by the appellant u/s 5 of the Limitation Act for condonation of delay in filing the present appeal. According to appellant, the delay is of 463 days.

2. We have gone through the cause stated in the application and in our opinion, it constitutes a sufficient cause for the purpose of condoning the delay. The condonation of delay advances cause of justice rather than to defeat it. There is no deliberate delay on the part of the appellant in filing the present appeal and, therefore, the delay deserves to be condoned on the grounds stated in the application.

3. Accordingly and in view of the aforesaid discussion, the application is allowed. The delay in filing the present appeal is hereby condoned.

4. Heard on the question of admission.

5. Admit. No need to issue fresh notices to the respondents as they are being served and represented by accepting the notices by Mr. R.L. Jangid, Additional Advocate General.

6. With the consent of parties, the appeal is heard finally at the motion-admission stage itself.

7. This is an intra-court appeal filed by the writ petitioner of CWP No. 4677/2008

decided by the learned Single Judge by his order dated 19.09.2008 u/s 18 of the Rajasthan High Court Ordinance, 1949 read with Article 225 of the Constitution of India and Rule 134 of the Rajasthan High Court Rules, 1952.

8. Learned Counsel for the appellant at the outset brought to our notice that against the same impugned order, several appeals were filed by other writ petitioners like the present appellant and they were disposed of by common order dated 22.04.2009 led by D.B. Civil Special Appeal (Writ) No. 923/2008 (Ganpat Singh and Ors. v. The State of Rajasthan and Ors.).

9. While disposing those special appeals, this is what the Division Bench observed:

We find merit and substance in the prayer made by learned Counsel for the appellants. Thus, all these appeals are hereby disposed of. The appellants are granted permission to file appropriate representation giving all details therein including the benefit of relaxation as per note No. 2 appended to the advertisement within a period of fifteen days hereof. On such representation being filed, the respondent State would consider the same on merits in accordance with law under intimation to the appellants.

In case, any adverse order is passed against the appellants, then he/she would be at liberty to agitate the matter further before the appropriate forum in accordance with law.

With the aforesaid directions, these appeals are finally disposed of but with no order as to costs.

10 .We are, therefore, inclined to dispose of this appeal also in terms of the order referred above which was passed in the aforesaid appeal.

11. Accordingly and in view of foregoing discussion, this appeal is disposed of in the light of the order quoted supra passed in D.B. Civil Special (Writ) No. 923/2008 (Ganpat Singh and Ors. v. The State of Rajasthan and Ors.).

12. No costs.