

(2016) 04 SHI CK 0143
In the High Court Of Himachal Pradesh
Case No : CMP (M) No. 688 of 2015

Himachal Pradesh Horticulture Produce Marketing	APPELLANT
Vs	
Smt. Kanta Devi	RESPONDENT

Date of Decision : 27-04-2016

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2016) ILRHP 1440

Hon'ble Judges : Mansoor Ahmad Mir, CJ. and Sandeep Sharma, J.

Bench : Division Bench

Advocate : Mr. Ashwani Sharma, Advocate, for the Appellant/Applicant; Mr. H.K. Paul, Advocate, for the Respondent No. 1; Mr. Shrawan Dogra, Advocate General, with Mr. Anup Rattan, Additional Advocate General, and Mr. J.K. Verma, Deputy Advocate General, for the Resp

Final Decision : Disposed Off

Judgement

Mansoor Ahmad Mir, C.J.(Oral)—By the medium of this limitation petition, the appellant-applicant has sought condonation of delay of three years, five months and twenty three days, which has crept in filing the present Letters Patent Appeal, on the grounds taken in the memo of the limitation petition.

2. Respondent No. 1 has filed the objections. Respondent No. 2 has chosen not to contest the limitation petition and the right of respondent No. 2 to file objections was closed in terms of order, dated 3rd November, 2015.

3. Heard.

4. We are of the considered view that the appellant-applicant has carved out a sufficient cause for condoning the delay for the following reasons:

5. The judgment was made by the Writ Court in CWP No. 787 of 2010 on 31st October, 2011, constraining the appellant-applicant to file Civil Review Petition No. 115 of 2012, which was dismissed on 23rd July, 2012. Feeling aggrieved, the applicant-appellant questioned the same by the medium of LPA No. 404 of 2012,

which was withdrawn on 23rd June, 2014, with liberty to file fresh appeal. Thereafter, the appeal in hand came to be filed on 21st August, 2014.

6. Thus, it can be said that the appellant-applicant has made all efforts to get rid of the impugned judgment but has failed at all stages.

7. Having said so, the appellant-applicant has carved out a sufficient cause for condoning the delay in filing the present Letters Patent Appeal. Accordingly, the delay is condoned. The application is disposed of.

8. Appeal is taken on Board. Registry to diarize the same.

9. Issue notice. Mr. H.K. Paul, Advocate, and Mr. J.K. Verma, learned Deputy Advocate General, waive notice on behalf of respondent No. 1 and respondent No. 2, respectively. List for consideration on 14th July, 2016.