

(2021) 12 MP CK 0065

In the Madhya Pradesh High Court

Case No : Miscellaneous Petition No. 4459 Of 2021

Kedar Ram Through L.Rs. Jaiprakash And Others	APPELLANT
Vs	
Rajkumar Died Through L.Rs. Uskhrajua And Others	RESPONDENT

Date of Decision : 20-12-2021

Acts Referred:

Constitution Of India, 1950 — Article 227
Limitation Act, 1963 — Section 5

Citation : (2021) 12 MP CK 0065

Hon'ble Judges : Vivek Agarwal, J

Bench : Single Bench

Advocate : Jaiprakash Tiwari, Kedar Ram

Judgement

Vivek Agarwal, J

Petitioner has assailed order dated 11.10.2021 (Annexure-P/1) passed by Learned 2nd Additional District Judge, Mauganj, District Rewa (M.P.) whereby Learned 2nd Additional District Judge has allowed an application under Section 5 of the Limitation Act, seeking condonation of 39 days' in filing the appeal against the judgment and decree dated 06.12.2012.

Learned Court below has discussed each and every issue raised by the present petitioner in his objection to an application seeking condonation of delay and has categorically mentioned that the applicant Chhatramani was unwell and in support of his contention he had enclosed copy of his medical certificate from Ayurveda Medical Officer, Bicharhata in which it is mentioned that Shri Chhatramani was suffering from Jaundice and fever w.e.f. 04.01.2013 to 23.02.2013 and taking this certificate into consideration and also a fact that there is total delay of 39 days' only, condoned the delay vide impugned order.

After going through the order and the reasoning given by the Learned 2nd District Judge, Mauganj, I am of the opinion that there is no illegality in the impugned order calling for interference in supervisory jurisdiction of this Court

vested in it under Article 227 of the Constitution of India and, therefore, petition fails and is dismissed.