

**(2010) 10 AP CK 0005**  
**In the Andhra Pradesh High Court**  
**Case No : CRP No. 2764 of 2008**

|                                                     |            |
|-----------------------------------------------------|------------|
| M. Yerrappa (died) by L.Rs. and Others              | APPELLANT  |
| Vs                                                  |            |
| Authorized Officer, Land Reforms Appellate Tribunal | RESPONDENT |

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**Date of Decision :** 19-10-2010

**Acts Referred:**

Limitation Act, 1963 — Section 5

**Citation :** (2011) 1 ALD 383

**Hon'ble Judges :** K.C. Bhanu, J

**Bench :** Single Bench

**Advocate :** Kothapalli Ram Mohan Chowdhry, for the Appellant;

**Final Decision :** Allowed

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## Judgement

K.C. Bhanu, J.—This revision is directed against the order, dated 30.4.2008 in IA No. 3 of 2006 in LRA No. Nil/2008, on the file of the Land Reforms-Appellate Tribunal, Anantapur whereunder and whereby the application filed u/s 5 of the Limitation Act to condone the delay of 1869 days in filing the appeal, was allowed.

2. Sufficient cause is not defined u/s 5 of the Limitation Act, 1963 but it must mean the cause, which is beyond the control of the party invoking the aid of section. Any reasonable cause, which prevented a person from approaching the Court is said to be sufficient cause. As seen from the affidavit filed in support of the petition, it is clear that the bundle was entrusted to the Assistant Government Pleader for filing the appeal. Thereafter, the deponent was informed by the then A.G.P. about filing of the appeal. But later the Authorized Officer came to know that no such appeal is pending before the District Court. No doubt, the Petitioner need not explain each and every day's delay. If the Petitioner shows sufficient cause, then delay can be condoned.

3. According to the learned Counsel appearing for the Petitioner herein on what date the appeal was entrusted, on what date the Authorized Officer was informed

about pendency of appeal by the A.G.P. and on what date the Authorized Officer verified in the Court about not filing of appeal have not been stated. Simply stating that bundle was entrusted to the A.G.P. for filing the appeal is not a proper explanation. Since the Petitioner (Respondent herein) is the Authorized Officer and responsible Government Servant, he would have stated on what date the bundle was entrusted and on what date he was informed by the A.G.P. with regard to filing of appeal before the District Court. There was abnormal delay of 1869 days in filing the appeal. The trial Court ought to have permitted the parties to let in evidence. That has not been done so. The averments in the affidavit are vague. Therefore, the impugned order is liable to be set aside.

4. Accordingly, the civil revision petition is allowed setting aside the order, dated 30.4.2008 in 1A No. 3 of 2006 in LRA No. Nil/2008, on the file of the Land Reforms Appellate Tribunal, Anantapur. However, the matter is remanded to the trial Court with a direction to give opportunity to both parties to let in evidence with regard to that aspect. No order as to costs.