

(2026) 08 MEG CK 1439

In the Meghalaya High Court

Case No : MC(Review Pet.) No.3 of 2026

Shri. Iajiedlang Rynjah

APPELLANT

Vs

The Union Of India & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Limitation Act-u/s 5

Citation : (2026) 08 MEG CK 1439

Hon'ble Judges : B. Bhattacharjee, J

Bench : Single Bench

Advocate : Mr. S. Marpan, Dr. N. Mozika, Ms. R. Fancon

Final Decision : Dismissed

Judgement

1. Heard Mr. S. Marpan, learned counsel appearing for the applicant and also Dr. N. Mozika, learned DSGI assisted by Ms. R. Fancon, learned counsel appearing for the respondent Nos.1-6. None appears for the respondent No.7.

2. By this application u/s 5 of the limitation Act, the applicant has sought for condonation of delay of 423 days in preferring the accompanying application for restoration of MC (Review Petition) No.7 of 2024.

3. The brief facts necessary for adjudication of this application are that the applicant preferred Review Petition No.2(T) 21 of 2024 seeking review of the order dated 15.09.2023 passed in WP(C) No.424 of 2019. The review application was accompanied by an application for condonation of delay registered as MC (Review Petition) No.7 of 2024. The said condonation application came to be dismissed for default by the order dated 28.08.2024. Thereafter, it appears that an application registered as MC (Review Petition) No.11 of 2024 was preferred by the applicant praying for condonation of delay in preferring the application for restoration of MC (Review Petition) No.7 of 2024, which however, was withdrawn by order dated 01.04.2025 due to some mistake therein, with liberty to file afresh. The applicant has now filed the present application seeking condonation

of delay of 423 days in preferring the application for restoration of MC (Review Petition) No.7 of 2024.

4. Mr. S. Marpan, learned counsel for the applicant, submits that the fact of dismissal of MC (Review Petition) No. 7 of 2024 for non-appearance was not known to the applicant as he was not informed by his counsel. He submits that it is only upon an enquiry, the applicant came to know about the dismissal of his case and immediately engaged a new counsel and filed the application for restoration along with the application registered as MC (Review Petition) No. 11 of 2024 for condonation of the delay in preferring the restoration application. He submits that the MC (Review Petition) No. 11 of 2024 was withdrawn on 01.04.2025 due to some defect with liberty to file afresh and accordingly, the present application has been preferred. He further submits that the dismissal of MC (Review Petition) No. 7 of 2024 was neither intentional nor wilful, but occurred due to reasons beyond the control of the applicant. In addition, he submits that the applicant had financial constraints as he was providing support and care to his family members which demanded substantial time and attention. The learned counsel submits that the actions and omissions of the previous counsel has gravely prejudiced the applicant and the applicant should not be made to suffer the consequences because of the fault of his previous counsel. The learned counsel submits that it is a settled proposition of law that no person should suffer for the fault of his lawyer and in such a situation, justice demands that the period of delay may be condoned.

5. Dr. N. Mozika, learned DSGI appearing for respondent Nos. 1 to 6, on the other hand, opposed the prayer for condonation of delay and submitted that the applicant has failed to disclose any legally sustainable sufficient cause for condoning the period of inordinate delay. He submits that the application does not offer any adequate explanation for the delay as the facts stated therein are non-specific and do not explain the delay on a day-to-day basis. According to him, no explanation has been offered covering the entire period of delay, except for making vague and omnibus statements. He contends that the explanation offered by the applicant does not justify the condonation of prolonged delay in preferring the present application and the negligent conduct of the applicant does not deserve to be condoned by this Court. He, therefore, submits that the application is devoid of merit and is liable to be dismissed.

6. A perusal of the averments made in the application indicates that the applicant has not made any attempt to explain the delay on day-to-day basis and the application contain only general statements with regard to the reasons for the delay. The application does not even disclose the date on which the applicant came to know about the dismissal of MC (Review Petition) No. 7 of 2024. There is also no statement indicating when the applicant changed his previous counsel and engaged a new one. The delay sought to be condoned in this application is of about 423 days, which cannot be considered as a short period of time. It is, therefore, incumbent upon the applicant to justify such delay by furnishing

specific reasons covering the entire period of delay. The contention of the learned counsel for the applicant that no party should suffer for the fault of his lawyer also does not merit acceptance in absence of any specific mention of date as to when the applicant came to know about the dismissal of the application.

7. The record further reveals that the MC (Review Petition) No. 11 of 2024 was withdrawn on 01.04.2025 with liberty to file afresh. Thereafter, the present application was preferred on 17.04.2026, i.e. more than one year after the withdrawal of MC (Review Petition) No. 11 of 2024 on 01.04.2025. There is no averment in the application explaining why the applicant took more than one year to file the present application. Therefore, it is apparent that there is a gross negligence on the part of the applicant.

8. The instant application contains only general and blank statements without specific day to day reasons explaining why the applicant failed to act for over a year. The action of the applicant projects carelessness, casual attitude and an assumption that procedural delays do not matter. The prayer for condonation of delay of 423 days demands high quality and rigorous justification. The standard excuses of shifting blame purely onto the previous counsel is not sufficient to satisfy the requirement of law. Furthermore, the prayer for condonation of delay, particularly when the delay is for a considerably long period, cannot be allowed merely on ground of sympathy or compassion.

9. In view of the above discussion, the applicant has failed to make out a case for condonation of delay of 423 days. The application, as such, stands dismissed.