

(2017) 04 RAJ CK 0091
In the Rajasthan High Court
Case No : 801 of 2016

State of Rajasthan

APPELLANT

Vs

Suleman S/o Mohammad Arif

RESPONDENT

Date of Decision : 19-04-2017

Acts Referred:

[Constitution of India](#), [Article 227](#) -
Power of superintendence over all courts by the High Court

Citation : (2017) 04 RAJ CK 0091

Hon'ble Judges : Govind Mathur, Vinit Kumar Mathur

Bench : DIVISION BENCH

Advocate : SS Ladrecha, Vikash Choudhary

Final Decision : Dismissed

Judgement

1. This appeal is barred by limitation from 57 days. Ignoring the same, we have examined the merits of the case.
2. By the order impugned dated 6th May, 2016, the learned Single Bench has dismissed the writ petition on the ground of delay in filing the writ petition. Inter alia, learned Single Bench noticed that no sufficient cause is given for causing inordinate delay of more than one and half year in filing the writ petition. The observations made in this regard by the learned Single Bench reads as under:-
"Well it is true that for invoking supervisory jurisdiction of this Court under Article 227 of the Constitution, no period of limitation is prescribed but

an aggrieved party is required to approach the Court within reasonable period. An unexplained delay of more than 1 ? years and in some of the cases more than 2 years is per se fatal and on this count alone, the petitioners are liable to be non-suited.

Inordinate delay in filing the writ petitions and lest without any sufficient cause is required to be viewed seriously and State as a litigant cannot claim any special treatment in such matters. While considering the prayer for excusing delay, existence of sufficient cause is sine qua non and delay cannot be condoned for mere askance.

Supreme Court in Union of India & Ors. Vs.

Nripen Sarma : (2013) 4 SCC 57 has expressed deep anguish over such kind of delay by State in majority of matters and upheld the order passed by the Division Bench whereby condonation of delay of 114 days in filing the appeal was declined. The Court held,-

"4. We have also gone through the

condonation of delay application which was filed in the High Court. In our considered view, the High Court was fully justified in dismissing the appeal on the ground of delay because no sufficient cause was shown for condoning the delay.

5. The appellant has preferred this appeal against the final judgment dated 10.09.2007 before this Court. This appeal is also barred by limitation of 114 days. There is no satisfactory explanation for condonation of delay before this Court also.

6. The Union of India ought to have been careful particularly in filing this Civil Appeal because the Division Bench, by the impugned order, has dismissed the appeal before it on the ground of delay. It is a matter of deep anguish and distress that majority of the matters filed by the Union of India are hopelessly barred by limitation and no satisfactory explanations exist for condoning inordinate delay in filing those cases.

7. On consideration of the totality of the facts and circumstances, we are constrained to dismiss this appeal on the ground of delay. However, in the larger interest, we are keeping the question of law open."

Therefore, upon examining the matters in entirety, I feel dissuaded to interfere with the impugned orders passed by the BOR on merits as well as delay and laches."

3. In appeal, learned Additional Advocate General Shri S.S. Ladrecha appearing on behalf of the appellants failed to satisfy us about the justifiable reasons for causing delay in filing the writ petition. As such, we do not find any reason to interfere with the judgment impugned specially when, the learned Single Bench also refused to invoke its discretionary jurisdiction on the count of delay in occurred in the matter.

4. The appeal stands dismissed accordingly.