
(2025) 01 JH CK 0046

Jharkhand High Court

Case No: L.P.A. No. 117 Of 2023 (with I.A. No.2610 Of 2023)

State Of Jharkhand

APPELLANT

Vs

Ram Naresh Ram

RESPONDENT

Date of Decision: Jan. 17, 2025

Acts Referred:

- Limitation Act, 1963 - Section 5

Hon'ble Judges: M. S. Ramachandra Rao, CJ; Deepak Roshan, J

Bench: Division Bench

Advocate: Ashok Kumar Yadav

Final Decision: Dismissed

Judgement

M.S. Ramachandra Rao, CJ

(I.A. No.2610 of 2023 in L.P.A. No. 117 of 2023)

1) This application is filed under Section 5 of the Limitation Act, 1963 to condone the delay of 885 days in filing this Letters Patent Appeal challenging

the judgment dt. 22.11.2018 of the learned Single Judge in W.P. (S) No.1717 of 2017.

2) In the application seeking condonation of delay, the period of delay is left blank.

However, it is stated that the copy of the impugned judgment was made available to the applicants in February 2019; thereafter, a letter was sent to

the Department of Finance seeking further advice and instructions were given to prepare common grounds of appeal after getting approval from the

Finance Department.

It is contended that inadvertently, in analogous cases, Letters Patent Appeals were filed, but this appeal, which relates to a different Road Division, got

left out and it was only during the hearing of L.P.A. No.100 of 2021 on 24.03.2022, that it was realized that no appeal was filed against the judgment

in W.P. (S) No.1717 of 2017.

Thereafter, steps were taken to prefer the instant appeal, which was filed on 13.03.2023.

3) Firstly, when the judgment was pronounced by the learned Single Judge on 22.11.2018 in W.P. (S) No.1717 of 2017 and the said order was passed

in the presence of the counsel for applicants herein, it was their duty to apply for certified copy of the judgment and then file the appeal.

The certified copy filed along with the appeal shows that it was applied for on 15.03.2023 and secured on 04.05.2023. There is no explanation for this

inaction in applying for certified copy of the judgment of the learned Single Judge at all.

Even after discovering that the appeal was, not, filed, on 24.03.2022, why application for certified copy was not filed till

14.03.2023 is not indicated anywhere.

The applicants ought to have immediately taken steps at least after March, 2022 to file the appeal, but they have been totally negligent as the appeal

admittedly was filed almost one year later on 13.03.2023.

4) In the facts and circumstances of the case, we are satisfied that sufficient cause has not been shown to condone the inordinately long period of

delay of 885 days in filing the appeal.

5) Accordingly, this application is dismissed. Consequently, the appeal is also dismissed.

6) Pending Interlocutory Applications, if any, stand disposed of.