

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 34772/2022

(Arising out of impugned final judgment and order dated 17-05-2019 in FA No. 149/1996 passed by the High Court Of Judicature At Allahabad)

STATE OF UTTAR PRADESH &amp; ANR.

Petitioner(s)

VERSUS

VIMLA DEVI

Respondent(s)

(FOR ADMISSION and I.R. and IA No.178272/2022-CONDONATION OF DELAY IN FILING and IA No.178274/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.178273/2022-EXEMPTION FROM FILING O.T. )

Date : 12-12-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. V.K. Shukla, Senior Advocate  
Mr. Rajeev Kumar Dubey, Advocate  
Mr. Ashiwan Mishra, Advocate  
Mr. Kamlendra Mishra, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

## O R D E R

This petition seeking to question judgment and order dated 17.05.2019 passed by the High Court of Judicature at Allahabad in First Appeal No. 149 of 1996, whereby the High Court has provided for certain enhancements in the amount towards compensation for the acquired land in favour of the respondent, is reportedly time-barred by a period of 1173 days. An application seeking condonation of delay has been filed in this matter. The relevant contents of this application (IA No. 178272 of 2022) could be usefully reproduced as under:-

"1. That the petitioner has filed the accompanying Special Leave Petition before this Hon'ble Court against the impugned final judgment and order dated 17.05.2019 at the Hon'ble High Court of Judicature at Allahabad partly allowing the Respondents First Appeal No. 149 of 1996.

2. After passing the judgment the department sent a request letter to the Law Department for seeking permission to file Special Leave Petition before the Hon'ble Supreme Court, which was subsequently accorded.

3. That due to pandemic situation, the aforesaid Special Leave Petition could not be filed immediately. The required documents were also not available.

5. That it is also relevant to mention here that the Limitation period was also suspended by this Hon'ble Court till the 31.03.2022.

6. That a delay of 1173 days has been occasioned in filing of the instant special leave petition against the impugned judgment dated 10.08.2021 of the Hon'ble High Court of Judicature at Allahabad dismissing the petitioner's Special Appeal Defective No. 584 of 2021.

7. That the Petitioner has filed the instant application bonafide and it is otherwise in the interest of justice to allow the same in terms of the prayer made hereinafter.

#### PRAYER

In the premises aforesaid, it is most respectfully prayed that your Lordships may graciously be pleased to:

- a) condone the delay of 1173 days in filing the Special Leave Petition against the Final impugned judgment/order dated 17.05.2019 at the Hon'ble High Court of Judicature at Allahabad partly allowing the Respondents First Appeal No. 149 of 1996 and;
- b) pass such other and further order/orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."<sup>1</sup>

A bare look at the extraction aforesaid would leave nothing to doubt that there is not even a semblance of cause, what to say of sufficient cause, for condonation of a huge delay of 1173 days in filing this petition, which has been filed only on 31.10.2022.

A cursory reference to the pandemic situation is baseless for the reason that no such situation was prevalent on the date of

<sup>1</sup> The extraction is verbatim form the contents of application at pp. 50-52 of the paperbook – there is no paragraph 4 in the application.

passing of the order by the High Court and at least seven months thereafter. Moreover, the suspended limitation period due to pandemic came to an end on 31.03.2022 and there is no explanation whatsoever for an inordinate delay even thereafter.

It is also disturbing to notice that the application has been filed in a casual manner before this Court, as could be seen from paragraph 6 of the extraction aforesaid, where the date of judgment and particulars of the appeal are not of the present matter at all. Obviously, such incorrect particulars have occurred because of preparation of the application in a casual manner, essentially with reproduction or copying of the contents from any other application.

Upon our expressing reservations thus, learned senior counsel appearing for the petitioners, of course, admitted that the application has not been filed with all the relevant and correct particulars but, prayed for time for filing a better affidavit.

In the totality of circumstances of this case, we have declined such a prayer for filing better affidavit. The State litigation, in our view, cannot be taken so casually that the application seeking to explain an inordinate delay of 1173 days is filed bereft of all the necessary particulars and is containing incorrect particulars.

We are left with no doubt that such matters are filed in a cursory manner to somehow seek a certification of dismissal by the Supreme Court. We thoroughly disapprove such a practice and feel necessary to impose costs on the petitioners.

Thus, the application seeking condonation of delay is rejected and this petition is, therefore, dismissed with costs quantified at

Rs.1,00,000/- (Rupees One lakh), to be deposited by the petitioner-State in the welfare fund of the Supreme Court Employees Welfare Association within four weeks from today. We leave it open for the petitioner-State to recover this amount of costs, of course after depositing, from the persons/officers responsible for filing this petition with inexplicable delay without sufficient cause and without any justification.

(MEENAKSHI KOHLI)  
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)  
COURT MASTER