

CUTTACK

A.H.O. NO.55 OF 2000

In the matter of an appeal under the Letters Patent arising out of the order dated 25.01.2000 passed by a learned single Judge of this Court in First Appeal No.127 of 1997.

Collector, Zone Officer, Upper
Indravati Project
Appellant

.....

Versus

Harapriya Mishra & others
Respondents

.....

For Appellant - Mr. Suraj Mohanty,
Addl. Standing Counsel

For Respondents - M/s P.K.Khuntia and
M.Maahanta

PRESENT:-

**THE HON'BLE MR. JUSTICE P.K.TRIPATHY
AND
THE HON'BLE MR. JUSTICE PRADIP MOHANTY**

Date of hearing and judgment : 08.11.2006

Heard.

2. Mr. Mohanty, learned Additional Standing Counsel, is unable to satisfy us about any illegality in the impugned order passed by the learned single Judge on 25.01.2000 in rejecting the application

under section 5 of the Limitation Act. We have perused the application under section 5 of the Limitation Act and the facts asserted in paragraphs 2 to 5 thereof do not constitute “sufficient cause or even good cause” for condonation of delay. That principle having been followed by learned single Judge in the impugned judgment, we do not find any illegality in that order so as to invoke our jurisdiction under the Letters Patent.

3. Under such circumstances, we do not find any merit in this appeal and the same is accordingly dismissed. No costs.

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P.K.Tripathy,J.

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Pradip Mohanty, J.

Orissa High Court, Cuttack
 November 8, 2006 / ***Samal***