

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**HON'BLE JUSTICE SHRI ALOK KUMAR VERMA
AND
HON'BLE JUSTICE SHRI RAKESH THAPLIYAL**

30th JUNE, 2023

Delay Condonation Application (IA No. 01 of 2023)

In

Special Appeal No. 227 of 2023

Amit Kant and Others Appellants

Vs.

State of Uttarakhand & Others Respondents

Counsel for the Appellants : Mr. Amar Murti Shukla,
Advocate.

Counsel for the Respondent
Nos. 1 & 2 : Mr. K. N. Joshi, Deputy A.G.

Counsel for the Respondent : Mr. Ramji Srivastava, Advocate
no. 3

***Upon hearing the learned counsel for the parties, this
Court made the following judgment:***

(Per: Shri Alok Kumar Verma, J.)

Present Special Appeal has been filed assailing the judgment dated 27.03.2023, passed by learned Single Judge in Writ Petition No. 352/2022 (S/S). The proposed Appeal has been filed along with an Application under Section 5 of the Limitation Act, 1963 to condone the delay of 61 days in filing the Appeal.

2. Heard Mr. Amar Murti Shukla, learned counsel for the appellants, Mr. K.N.Joshi, learned Deputy Advocate General for the State and Mr. Ramji Srivastava, learned counsel for the respondent no. 3.

3. The Delay Condonation Application has not been opposed by the respondents. In the interest of justice, the Delay Condonation Application is allowed. The delay of 61 days in preferring the appeal is condoned.

4. Learned counsel for both the parties have submitted that the present appeal is covered by the judgment dated 28.04.2023, passed by this Court in Special Appeal No. 113 of 2023.

5. With the consent of the parties, the present Special Appeal is disposed of in terms of Special Appeal No. 113 of 2023.

6. Let a certified copy of this order be supplied to the learned counsel for the appellants today itself on payment of usual charges.

Alok Kumar Verma, J.

Rakesh Thapliyal, J.

Dated: 30.06.2023
Kaushal