



**Serial No. 02**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

MC (FA) No. 2 of 2024

Date of Decision: 30.09.2024

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1. State of Meghalaya

Represented by the Commissioner and Secretary,  
Community and Rural Development,  
Shillong.

2. The Director,

Community and Rural Development,  
Shillong.

3. The Executive Engineer,

Community and Rural Development,  
Shillong.

**.... Applicant(s)/Appellant(s)**

**Versus**

Shri Jolian Marak,

R/o Lower Mission Compound, Tura

West Garo Hills, Meghalaya

**... Respondent(s)/Opp. Party**

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**Coram:**

**Hon'ble Mr. Justice H. S. Thangkhiew, Chief Justice (Acting)**

**Hon'ble Mr. Justice B. Bhattacharjee, Judge**

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**Appearance:**

For the Applicant(s)/Appellant(s): Mr. S. Sen, GA

For the Respondent(s)/Opp. Party: Mr. S. Pandit, Adv. with  
Mr. D. Hynniewta, Adv.

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i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

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**Per. H.S. Thangkhiew, Chief Justice (Acting):**

**(ORAL)**

1. This is an application for condonation for the delay of 292 days in preferring the appeal against the Judgment & Order dated 24.05.2023, passed in Commercial Money Suit No. 1 of 2016.

2. The reasons given for the delay are that the concerned Department on receiving a copy of the order had forwarded the same to the higher ups on 04.07.2023, and that the process had consumed much time as given in Paragraphs 5 to 10 of the application, wherein it is seen that the delay was caused mostly due to intra-Departmental activities and also movement of the file.

3. Mr. S. Sen, learned GA for the applicants/appellants submits that the delay was due to bona fide reasons as given in the said application.

4. Mr. S. Pandit, learned counsel for the respondent/opposite party has raised strong objections and has drawn the attention of this Court to the Annexure-6 of the said application to show that the Law Department had been consulted for an opinion as far back as on



11.08.2023, and that an explanation had also been given at that point of time. He therefore, submits that no sufficient cause having been shown, the appeal is liable to be not entertained and the condonation application be dismissed.

5. Having heard the learned counsel for the parties and on examination of the materials on record, it appears from the grounds as set out in the above quoted paragraphs, the delay was caused primarily due to the fact that the movement of the file after the judgment, was indeed slow, which in normal circumstances would not be a ground for condonation of delay. However, in the interest of justice, and the condonation being of 292 days, the delay is condoned and the appeal shall be posted for consideration. Registry to diarize register the said appeal for admission.

6. This Misc. Case is accordingly disposed of.

**(B. Bhattacharjee)**  
**Judge**

**(H.S. Thangkhiew)**  
**Chief Justice (Acting)**

Meghalaya  
30.09.2024  
"V. Lyndem PS"