

Sumit Kumar Vs. Asharam

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Court : Madhya Pradesh

Decided On : Oct-10-2012

Appellant : Sumit Kumar

Respondent : Asharam

Advocate for Def. : Shri. Jitendra Dixit

Advocate for Pet/Ap. : Shri. Vikas Tiwari

Judgement :

M.C.C.No.328/2011 10.10.2012 Shri Vikas Tiwari, learned counsel for the applicant.

Shri Jitendra Dixit, learned counsel for the respondent.

Heard on I.A.No.2817/2011, an application for condonation of delay.

Learned counsel for the applicant submits that the applicant is a sole bread earner of his family.

It is further submitted that the counsel for the applicant in the trial Court did not inform the applicant about the decision in the suit.

The applicant came to knot about decree passed by the trial Court only after receipt of notice from the executing Court.

Thereafter, the applicant could not approach the counsel for filing the appeal on account of ill health of his father.

On the other hand learned counsel for the respondents submitted that the applicant ought to have been more vigilant and no satisfactory explanation has been offered.

I have considered the submissions made by learned counsel for the parties.

It is well settled in law that the expression sufficient cause.

used in Section 5 of the Limitation Act is employed to enable the Courts to apply the law in a meaningful manner to subserve the ends of justice.

[See State of Bihar versus Kameshwar Prasad Singh, (2000) 9 SCC 94].Accordingly, I find that sufficient cause has been shown for condonation of delay in filing M.C.C.Thus, I.A.is allowed.

The delay in filing M.C.C.is condoned.

(Alok Aradhe) Judge RC

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