

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 1922 OF 2011  
(Arising out of SLP(C)No.14065 of 2008)

UNION OF INDIA & ORS.

... APPELLANT(S)

VERSUS

NRIPEN SARMA

... RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned Additional Solicitor General and learned counsel for the respondent.

This appeal emanates from the judgment of the Division Bench of the Gauhati High Court (High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram & Arunachal Pradesh) in Misc. Case No.1569 of 2007 in W.A.No.72020 of 2006. The appeal filed by the Union of India was dismissed by the High Court because of inordinate delay of 239 days. The Division Bench of the High Court, while dismissing the appeal, has observed as under :

"We have gone through the contents of the petition. The delay occurred because of the respondents took their own sweet time to reach the conclusion whether the judgment should be appealed or not. It is not that they were prevented by any reason which is beyond their control to take such a decision in time. Even otherwise, on merits of the case also it does not appear to have any tenable ground of appeal. In the circumstances, we do not see any merits in this petition."

We have also gone through the condonation of delay application which was filed in the High Court. In our considered view, the High Court was fully justified in dismissing the appeal

on the ground of delay because no sufficient cause was shown for condoning the delay.

The appellant has preferred this appeal against the final judgment dated 10.09.2007 before this Court. This appeal is also barred by limitation of 114 days. There is no satisfactory explanation for condonation of delay before this Court also.

The Union of India ought to have been careful particularly in filing this Civil Appeal because the Division Bench, by the impugned order, has dismissed the appeal before it on the ground of delay. It is a matter of deep anguish and distress that majority of the matters filed by the Union of India are hopelessly barred by limitation and no satisfactory explanations exist for condoning inordinate delay in filing those cases.

On consideration of the totality of the facts and circumstances, we are constrained to dismiss this appeal on the ground of delay. However, in the larger interest, we are keeping the question of law open.

.....J.  
(DALVEER BHANDARI)

.....J.  
(DR. MUKUNDAKAM SHARMA)

NEW DELHI;  
17TH FEBRUARY, 2011