

**Chief Justice's Court**

**Case :-** SPECIAL APPEAL DEFECTIVE No. - 355 of 2024

**Appellant :-** Jagdish And 4 Others

**Respondent :-** State Of Up And 4 Others

**Counsel for Appellant :-** Awashesh Kumar,Imtyaz Ahmad

**Counsel for Respondent :-** C.S.C.

**Hon'ble Arun Bhansali,Chief Justice**

**Hon'ble Vikas Budhwar,J.**

1. This appeal is directed against order dated 1.2.2024 passed in Writ-C No.1956 of 2024 by learned Single Judge whereby the writ petition filed by the petitioners aggrieved of the order dated 10.11.2023 passed by Additional Commissioner, Judicial (II), Varanasi Division, District Ghazipur has been rejected.

2. The petitioners have preferred revision under Section 219 of the U.P. Land Revenue Act, which came to be dismissed by the revisional authority ex parte on 29.1.2016. An application seeking recall of the order was filed on 18.1.2022 along with an application seeking condonation of delay. The application contained allegations against the counsel in not informing the petitioners about the dismissal of the case. The revisional authority after hearing the parties came to the conclusion that the reasons seeking condonation of delay were neither proper nor sufficient and consequently rejected the application seeking condonation of delay as well as the application seeking recall.

3. Feeling aggrieved, the writ petition was filed. Learned Single Judge after hearing the parties came to the conclusion that as the inordinate delay of six years was not properly explained, dismissed the writ petition. Counsel for the appellants attempted to make submissions that the revisional authority as well as learned Single Judge were not justified in dismissing the application seeking condonation of delay and the writ petition. Submissions have made that the appellants were prevented by sufficient cause in filing the application seeking recall with delay and therefore, the orders impugned deserve to be set aside.

4. We have considered the submissions made by counsel for the appellants and have perused the material available on record.

5. Despite the fact that the application seeking condonation was rejected by the revisional authority against which the writ petition was rejected by this Court, the present appeal is also barred by limitation. No proper reason has been given for seeking condonation of delay in filing the present appeal in the affidavit accompanying the application seeking condonation of delay.

6. Be that as it may, the determination made by the revisional authority and learned Single Judge after going through the application made in this regard whereby the allegations were made against the counsel regarding not informing, however, it is nowhere indicated that the appellants have been contacting the counsel and was not given the information pertaining to dismissal. The party, which does not contact the counsel for six years, cannot seek condonation of delay based on the allegations that the counsel did not inform about the disposal of the case.

7. In view of the above discussion, there is no substance in the appeal, the same is, therefore, **dismissed**.

**Order Date :-** 25.4.2024

Piyush/Rajesh

(Vikas Budhwar, J.)      (Arun Bhansali, C.J.)