

IN THE HIGH COURT OF JHARKHAND AT RANCHI

**L.P.A. No. 416 of 2018**

**With**

**I.A. No.8772 of 2018**

The State of Jharkhand and others ... .. Appellants

Versus

Fatima ... .. Respondent

**CORAM: HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

For the Appellant: Mr. Sachin Kumar, Addl. A.G.-II

For the Respondent:

**Oral Order**

**08/Dated: 09.07.2020**

With consent of the appellants, hearing of this matter has been done through video conferencing. No complaint has been made by him about any audio and video quality.

**I.A. No.8772 of 2018**

Heard the learned counsel appearing for the appellants.

This application has been filed for condoning the delay of 79 days which has occurred in preferring the present appeal.

It appears that on 21.01.2020 notice of motion as also on the point of limitation was issued upon the sole respondent. Office has reported that notice has validly been served upon the respondent, however, none has entered appearance on her behalf.

On 10.06.2020 the matter was again taken up for hearing after issuance of notice. In spite of aforesaid office note, this Court had granted an indulgence to the sole respondent and adjourned the matter to be taken upon today, i.e., 09.07.2020 awaiting appearance of the writ petitioner-respondent, however, none has appeared on behalf of the sole respondent as yet.

In above view of the matter, we have no option but to decide the issue of limitation even without further waiting for appearance of the respondent.

Having regard to the averments made in this application, we are of the view that the appellants were prevented by sufficient cause from preferring the appeal within the period of limitation.

Accordingly, I.A. No.8772 of 2018 is allowed and delay of 79 days in preferring the appeal is condoned.

**L.P.A. No.416 of 2018**

Though the notice of motion was issued on the respondent and none appeared, however, before further hearing the matter on merit, we grant another opportunity to the respondent.

Accordingly, let this matter be put up on 23.07.2020 under the appropriate heading awaiting appearance of the sole respondent.

**(Dr. Ravi Ranjan, C.J.)**

**(Sujit Narayan Prasad, J.)**