



2026:AHC-LKO:10263-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

SPECIAL APPEAL DEFECTIVE No. - 106 of 2026

State Of U.P.Thru.Its Addl.Chief/
Prin.Secy.Deptt.Of Horticulture And Food
Processing And 2 Ors

.....Appellant(s)

Versus

Satish Kumar And 4 Others

.....Respondent(s)

Counsel for Appellant(s)	:	C.S.C.
Counsel for Respondent(s)	:	Vinod Kumar Shukla

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

(Order on C.M.Application No.1 of 2026; Application for
Condonation of Delay)

1. Heard learned Standing Counsel for the State-appellants and Shri Vinod Kumar Shukla, learned Counsel for the respondents.
2. This is an application seeking condonation of delay of 387 days in filing the special appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 against the judgment and order dated 13.12.2024 passed in Writ A No.11820 of 2024; Satish Kumar and Others vs. State of U.P. and Others.
3. The limitation for filing special appeal under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 is thirty days vide Chapter IX Rule 10 of the Rules, 1952 read with Article 117 of the Schedule appended to the Limitation Act, 1963.
4. A similar appeal bearing **Special Appeal Defective No.317 of 2025; State of U.P. and Others vs. Somveer Singh and Others** has already been dismissed on merits on 04.08.2025 as pointed out by learned Counsel for the respondents-petitioners. Based on the aforesaid decision, another similar appeal bearing **Special Appeal Defective No.353 of 2025; State of U.P. and others vs. Sanjeev Kumar and Another** has also been dismissed in the same terms

after condonation of delay in filing the appeal.

5. In this case, a similar judgment as was impugned in the case of **Somveer Singh (supra)** and **Sanjeev Kumar (supra)** has been challenged albeit with a delay of 387 days' which is inordinate and against the said judgment in **Somveer Singh (supra)** and **Sanjeev Kumar (supra)**, the State has not preferred any Special Leave Petition before Hon'ble the Supreme Court.

6. We have gone through the affidavit in support of the application for condonation of delay and find the same to be insufficient and unsatisfactory when tested on the anvil of the recent decision of Hon'ble the Supreme Court rendered in the case of **Shivamma (Dead) by LRS vs. Karnatka Housing Board and another** reported in **2025 SCC OnLine 1969** decided on 12.09.2025. Movement of file from one desk to another is hardly an explanation for such inordinate delay. We, therefore, **reject** the application for condonation of delay in filing the appeal, consequently, the appeal is dismissed.

**February 10,
2026**

-Piyush-

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)