

Raman Yadav vs The State Of Madhya Pradesh on 3 September, 2024

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2024:MPHC-JBP:44422

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 3rd OF SEPTEMBER, 2024
CRIMINAL REVISION No. 1811 of 2024
RAMAN YADAV
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Neeraj Jain - Advocate for the petitioner.
Ms. Preeti Singh - Panel Lawyer for the State.

ORDER

This Revision arises out of an order dated 1.3.2024, passed by the Appellate Authority, constituted in terms of Section 70 of the Food Safety and Standards Act, 2006 (hereinafter referred to as "Act of 2006 for the sake of brevity), dismissing an application filed by present petitioner under Section 5 of the Limitation Act.

2. Counsel for the petitioner contends that the order passed by the Adjudicating Authority was assailed by filing an appeal before the Tribunal, which is constituted in terms of Section 70 of the Act of 2006, known as Food Safety Appellate Tribunal. The appeal was filed along with an application filed under Section 5 of the Limitation Act, inasmuch as, the original order dated 17.4.2023 came to the notice of the present petitioner on 8.6.2023. Therefore, delay which had occasioned in filing of the appeal was inadvertent and bona fide. However, the Appellate Authority has proceeded to dismiss the application filed under Section 5 of the Limitation Act and as NEUTRAL CITATION NO. 2024:MPHC-JBP:44422 2 CRR-1811-2024 a consequence thereof the appeal itself has been dismissed.

3. Counsel for the petitioner contends that the delay was bona fide and inadvertent and the reasons for delay had been duly explained in the application filed under Section 5 of the Limitation Act. The Trial Court ought to have taken recourse to a lenient approach while dealing with the application

filed under Section 5 of the Limitation Act as the delay was not inordinate and, therefore, considering the reasons assigned in the application the delay ought to have been condoned.

4. Counsel for the State has supported the order passed by the Appellate Authority and it is contended that the order does not require any interference.

5. Having considered the submissions advanced on behalf of the parties, a perusal of the record reflects that vide impugned order an application filed under Section 5 of the Limitation Act along with the Memorandum of Appeal before the Food Safety Appellate Tribunal has been dismissed on the ground that the appeal was preferred with delay. Perusal of the order passed by the Tribunal reflects that the appeal was required to be filed as per Article 116 of Schedule I of Limitation Act, 1963 within a period of 30 days from the date of the order passed by the Adjudicating Authority. The Adjudicating Authority passed the order on 17.4.2023 and the appeal was preferred on 10.6.2023. Therefore, the record reflects that there was delay of approximately one month and few days in filing the appeal. It is also evident from perusal of Section 71 (6) of the Act of 2006 that the provisions of Limitation Act are applicable to an appeal which is preferred to NEUTRAL CITATION NO. 2024:MPHC-JBP:44422 3 CRR-1811-2024 a Tribunal in terms of the provisions of Act of 2006. Therefore, the application under Section 5 of Limitation Act was required to be dealt with by the Tribunal in its right perspective. It is settled proposition of law that the Rules of Limitations are not meant to destroy the substantive rights of the parties unless parties take recourse to dilatory tactics. In the present case, it was specifically stated in the application for condonation of delay that the petitioner came to know about passing of the order of Adjudicating Authority dated 17.4.2023 on 8.6.2023 when the copy of the same was obtained and then the appeal was preferred on 10.6.2023.

6. The Apex Court in the case of N. Balakrishnan vs. M. Krishnamurthy (1998) 7 SCC 123 in para 10 and 11 has held as under :

"10. The reason for such a different stance is thus:

The primary function of a court is to adjudicate the dispute between the parties and to advance substantial justice. The time- limit fixed for approaching the court in different situations is not because on the expiry of such time a bad cause would transform into a good cause.

11. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and NEUTRAL CITATION NO. 2024:MPHC-JBP:44422 4 CRR-1811-2024 wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is

enshrined in the maxim interest reipublicae up sit finis litium (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time."

7 . In view of the aforesaid law laid down by the Apex Court, it is apparent that the Rules of Limitations are not meant to destroy the substantive right of the parties. The right of filing an appeal in terms of provisions of Act of 2006 is statutory right of the present petitioner. Even otherwise the delay was also not inordinate. Therefore, the Tribunal ought to have resorted to a lenient approach in the present case and ought to have allowed the application for condonation of delay.

8 . Thus, this Court is of the considered view that upon condonation of delay, the appeal is required to be heard on merit.

9 . Resultantly, the present Revision stands allowed. Impugned order dated 1.3.2024 contained in Annexure A/1 passed by Food Safety Appellate Tribunal, Raisen stands quashed. The delay is condoned. The matter is NEUTRAL CITATION NO. 2024:MPHC-JBP:44422 5 CRR-1811-2024 remitted back to the Tribunal with a direction to take decision on appeal in accordance with law.

(MANINDER S. BHATTI) JUDGE VKT