

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF

INDIANA

vs. _____ OF IND.

IN

vs. _____ OF IND.

vs. _____

vs.

vs. _____

vs. _____

vs. _____

vs. _____

1.

An application under section 5 of the Indian Limitation Act.

1 to 5

IN THE HIGH COURT OF JUDICATURE AT PUNJAB

(CIVIL APPELLATE JURISDICTION)

Sh. M. Yusuf Akaria / of S.O.L.

vs.

The State of Bihar / of S.O.L.

In the matter of an

application under section

5 of the Indian Limitation Act;

And

In the matter of

Sh. M. Yusuf Akaria ... A. No. 1117.

Versus

The State of Bihar & others ... A. No. 1118.

So,

The Hon'ble Mr. Justice Neema Prasad, the

Chief Justice of the High Court of Judicature

at Patna and his Hon'ble Associates of the

Said Hon'ble Court.

The humble petition on behalf
of the appellants.

STATEMENT OF FACTS:

1. That this I.A. petition on behalf of the appellants most respectfully seeks a grant of delay if any in filing the interlocutory appeal against the interim judgment and order dated 14.7.68 issued in C.S. No. 1430 of 1968 by Hon'ble Mr. Justice Devlin inasmuch as the Hon'ble Single Judge has dismissed the writ application and did not interfere in the termination of applicant from the post of Assistant Teacher on the ground that his training qualification was not valid qualification as it did not have U.C.E.C. approval from 1968 onwards.

2. That the appellants declare that they have not earlier filed any such interlocutory application seeking condonation of delay which has been prayed for in this interlocutory application.

3. That the appellants submit that in the memo

of reveal the detail the appellant has pleaded about the genuine facts and circumstances which are not repeated in the instant delay condonation application.

4. That it is submitted that the order of the Hon'ble single bench dated 24.7.2012 passed in C. J.C. No.12436 of 2012 was not informed within time of appeal by advocate concerned. Since the said writ application 118 petitioners were filed jointly writ application.

Appellant knew about the impugned order in the month of September 2012 and applied for a certified copy of the order dated 24.7.2012 passed in C. J.C. No.12436 of 2012 on 10.10.2012 and the copy of delivered on 11.9.2012.

5. That it is submitted that after obtaining the certified copy of the order Memo of appeal was drafted and Mem.A. was filed on which is in time from the date of pronouncement of the order but it is the date of dismissal of the order it was been filed beyond 90 days so this limitation petition is being filed to overcome the delay in filing the letters patent appeal.

6. That in the facts and circumstances of the case as stated about the delay in filing the S.P.A. if any be condoned, otherwise the Applicant will suffer irreparable loss and injury which can not be compensated in any manner.

It is, therefore, most respectfully prayed that your Lordships may be so graciously pleased to allow this interlocutory application by condoning the delay of 15 days in filing the S.P.A. against the impugned judgment and order dated 16.7.2012 passed in C.M.J.C.No.1130 of 2012 by Hon'ble Mr. Justice Anantarama Sastri, Jhs;

and/or

pass such other order or orders as your Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT

I, Sk. Md. Yusuf Zakaria, aged about 43 years, son of Sk. Ata
Mohammed, resident of village-Chainpur, P.O.-Chainpur, District
-Kainur, do hereby solemnly affirm and state as follows:-

1. That I am appellant of this petition and as
such well acquainted with the facts circumstances of the
case.

2. That I have gone through the contents of this
I.A. petition and understood the same which are true to
my knowledge and belief.