

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA**

**ON THE 27<sup>th</sup> OF MARCH, 2023**

**SECOND APPEAL No. 2285 of 2022**

**BETWEEN:-**

**JAYANTI PRASAD S/O RAMSAHAYA  
BRAHAMMAN (DEAD) THROUGH LRS:**

- 1. RAMWATI W/O LATE JAYANTI  
PRASAD, AGED ABOUT 55 YEARS,  
OCCUPATION: HOUSEWIFE R/O  
VILLAGE PADKHURI TEHSIL  
GOPADBANAS DISTRICT SIDHI  
(MADHYA PRADESH)**
  
- 2. RAJKUMAR S/O LATE JAYANTI  
PRASAD, AGED ABOUT 40 YEARS,  
OCCUPATION: FORMER R/O VILLAGE  
PADKHURI, TEHSIL GOPADBANAS,  
DISTRICT SIDHI (MADHYA PRADESH)**
  
- 3. PRAVENDRA KUMAR S/O LATE  
JAYANTI PRASAD, AGED ABOUT 35  
YEARS, OCCUPATION: FORMER R/O  
VILLAGE PADKHURI, TEHSIL  
GOPADBANAS, DISTRICT SIDHI  
(MADHYA PRADESH)**

**.....APPELLANT**

***(NONE FOR THE APPELLANTS)***

**AND**

**DAYASHANKAR SHARMA S/O BALMIK RAM  
BRAHAMMAN, AGED ABOUT 38 YEARS,**

**OCCUPATION: NIL R/O VILLAGE PADKHURI  
TEHSIL GOPADBANAS DISTRICT SIDHI  
(MADHYA PRADESH)**

**.....RESPONDENTS**

***(NONE FOR THE RESPONDENT)***

.....

*This appeal coming on for admission this day, the court passed the following:*

**ORDER**

1. On a call given by the State Bar Council of M.P. the lawyers are abstaining from work in spite of letter dated 22.3.2023, issued by the Bar Council of India thereby requesting the State Bar Council of M.P. to follow the various dictums passed by the Supreme Court from time to time in respect of strike. Even then none appeared for the parties.
2. A Division Bench of this Court by order dated 24.3.2023 passed in **In Reference (Suo Moto) Vs. Chairman, State Bar Council of M.P.,** (W.P.No.7295/2023) has issued following directions :-

“(i) All the advocates throughout the State of Madhya Pradesh are hereby directed to attend to their court work forthwith. They shall represent their clients in the respective cases before the respective courts forthwith;

(ii) If any lawyer deliberately avoids to attend the court, it shall be presumed that there is disobedience of this order and he will be faced with serious consequences including initiation of proceedings for contempt of court under the Contempt of Courts Act;

(iii) If any lawyer prevents any other lawyer from attending the court work, the same would be considered as disobedience of these

directions and he will be faced with serious consequences including initiation of proceedings under the Contempt of Courts Act;

(iv) Each of the judicial officers are directed to submit a report as to which lawyer has deliberately abstained from attending the court;

(v) The judicial officers shall also mention the names of advocates who have prevented other advocates from entering the court premises or from conducting their cases in the court;

(vi) Such advocates shall be dealt with seriously which may even include proceedings under the Contempt of Courts Act as well as being debarred from practice.

3. In spite of that Lawyers are abstaining from court work.
4. Under these circumstances, this Court has no other option but to issue notice to counsel for the appellants as well as to counsel for the respondent to show cause as to why contempt proceedings be not initiated against them for violating the order dated 24.03.2023 passed by Division Bench of this Court in the case of **Chairman, State Bar Council of M.P and others** (supra).
5. Office is directed to register separate proceedings for the same.
6. Considered **I.A. No.15316/2022**, an application for condonation of delay.
7. It is pleaded in the application that the impugned judgment and decree was passed on 07.02.2019 and thereafter, they handed over the file to Shri Arun Kumar Pandey, Advocate in the month of March, 2019 to file an appeal. In the month of October, 2022, the appellants went to the office of their local counsel to verify the progress of the case, then they came to know that their local counsel Shri Arun Kumar Pandey has expired. It is mentioned that due to Covid-19, the parties could not

receive an information about the filing of the appeal and thus, it is prayed that the delay of 1240 days in filing an appeal be condoned.

**8.** No reply has been filed by the respondent.

**9.** There was no Covid-19 pandemic in the month of March, 2019. The lock down was imposed in the month of March, 2020. The impugned judgment and decree was passed on 07.02.2019. It is mentioned in the application that the papers were handed over to the local counsel Shri Arun Kumar Pandey to prefer an appeal. However from Vakalatnama of the appellants, which was filed before the First Appellate Court, it appears that Shri Arun Kumar Pandey was not their counsel. The appellants were being represented by Shri O.P. Shrivastava, Ms. Tara Verma, and Mahendra Mishra. It is clear from the order sheets of the Appellate Court that Shri Arun Kumar Pandey, Advocate had never appeared for the appellants. The appellants were being represented by either Smt. Tara Verma, Advocate or Shri O.P. Shrivastava, Advocate. Even otherwise, the date of death of Shri Arun Kumar Pandey, Advocate has not been disclosed in the application.

**10.** Under these circumstances, this Court is of the considered opinion that the ground raised by the appellants that the papers were handed over to Shri Arun Kumar Pandey, Advocate to prefer an appeal is false. Even otherwise, no explanation has been given by the appellants as to why they did not keep a track of the appeal either visiting the official website of the High Court or contacting their local counsel.

**11.** Under these circumstances, this court is of the considered opinion that no case is made out for condoning the delay of 1240 days in filing an appeal.

**12.** Accordingly, **I.A. No.15316/2022** is hereby **rejected**.

**13.** As a consequence thereof, the Appeal is also **dismissed** as barred by **time**.

**(G.S. AHLUWALIA)**  
**JUDGE**

Shanu