

**In the Court of District Judge, Gaya**

**Title Appeal No. 04/2019**

28.09.2020            Heard the learned Advocate for the appellant and perused the record.

On perusal of the case record, it appears that as per Seristedar's report dated 24.01.2029, the present appeal is time barred for which a petition Under Order 41 Rule 3A C.P.C. read with section 5 of Limitation Act has been filed.

Learned Advocate for the appellant moved the said delay condonation petition and submitted that after becoming aware of the judgment dated 30.07.2018 and decree dated 10.08.2018, learned Advocate for the appellant filed application for obtaining certified copy of judgment and decree but the father of learned Advocate Sri M.A.Siddiqui fell ill and he was carried to Kolkata and hospitalized. After returning to Gaya, the Id. Advocate drafted the memo of appeal and filed the same along with this petition for condonation of delay. According to him, there is no deliberate delay and latches on his part as on account of illness of his learned Advocate's father, the present appeal could not be filed within statutory period.

The delay, in my view, stands satisfactorily explained and as such, in that view of the matter, the petition for condonation of delay is allowed and the title appeal through its memo is appearing to be genuine and proper hence, the same is admitted.

Issue notice to the respondents through Nazarat as well as by registered post with A/D on requisites being filed by the appellant within ten days from today and the office is directed to issue the same without any further delay.

Call for L. C. R. and put up on 08.12.2020 for appearing of the respondents and hearing.

(Dictated)

Sd/-

District Judge, Gaya