

In The Court of Additional District Judge, Birbhum at Rampurhat
Present : *Sri S.Bhattacharjee*, Additional District Judge, Rampurhat
T.A. No.46/2019

04

06.02.2020 Both parties are present with their respective Ld.lawyers.

Today is fixed for hearing of the application u/s 5 of Limitation Act.

The case record is taken up for hearing of the application u/s 5 of Limitation Act.

Ld.lawyer for the appellant stated that the order of trial court passed on 30.03.2019. The appellant filed application for certified copy on 02.04.2019 and the copy is ready for delivery on 16.04.2019. He further submitted that as the pen down strike had been called by West Bengal Bar Association including Rampurhat Bar Association, he could not file the appeal on time. Thus caused delay in filing the appeal. So he prayed for allowing the application.

The respondents appeared before the appeal and raised objection.

It appears from the case record that there is few days delay in filing the appeal and the appellant submitted that the appellant was reasonably prevented from filing this appeal within the statutory appeal due to pen down strike called by West Bengal Bar Association including Rampurhat Bar Association.

I have perused the record and submission of both sides.

Having heard both sides, I am considered view that the appellant was prevented from filing the appeal due to pen down strike by the lawyers and the cause as assigned by the appellant is sufficient for condonation of delay.

Hence, it is ordered, the application u/s 5 of the Limitation Act is allowed on contest without any cost.

The delay is condoned.

Accordingly the appeal is admitted.

Issue notice upon the respondents in the appeal.

Requisites to be filed at once.

Call for L.C.R.

The D.Court fees dt.20.11.2019 is paid today

Fix 17.04.2020 for S.R. and L.C.R.

Dictated and corrected.

Sd/-S.Bhattacharjee

A.D.J. Rampurhat

Sd/-S.Bhattacharjee
Additional District Judge,
Birbhum at Rampurhat