

IN THE COURT OF DISTRICT JUDGE, BANKURA

Present : Mir Rashid Ali (WB00701),
District & Sessions Judge, Bankura

Misc. Appeal no. 19 of 2025

CNR No. WBBK01-001872-2025

Order no. 02

02.09.2025

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

Ld. Advocate for the appellant files hazira.

It is submitted by the Ld. Lawyer for the appellants that an order of stay of operation of impugned order 10.06.2025 is the need as the defendants/appellants have been wrongly restrained by the order of the Ld. Civil Judge (Sr. Divn.), Bankura.

The Ld. Lawyer also pressed an application u/s 5 of the Limitation Act.

Perused the application as filed by the appellants.

It is submitted that after passing of the impugned order on 10.06.2025 the appellant applied for certified copy on 18.06.2025 and received the same on 24.06.2025.

It is submitted that there is delay in filing of the appeal.

The Ld. Lawyer submitted by filing an application u/s 5 of Limitation Act duly supported by an affidavit solemnly affirmed by Mahadeb Pal, the appellant no. 2 that due to harvesting period the appellants were badly engaged in the cultivation work which is the main source of livelihood for the upcoming year.

It is submitted by the Ld. Lawyer for the appellants indeed there is some delay of few days which the appellants intend to pray before this court for condonation of delay.

The Ld. Lawyer submits that there is a good chance of their success, if fair opportunity is provided to the appellants/defendants.

Ld. Lawyer also submits that the Ld. Court below has failed to appreciate the dispute and restrained the appellants by way of injunction.

Heard the Ld. Lawyer.

Perused the record and an application filed by appellant u/s 5 of Limitation Act duly supported by affidavit.

I am of the view that to address the core area of the dispute the application may be allowed for the ends of justice.

I am also of the view that the petition u/s 5 of Limitation Act may be allowed.

I also feel that the respondents/appellants has no reason to be prejudiced because they will be availed of all opportunities to lay down their case before this court for proper appreciation.

Hence, to adjudicate the real dispute between the parties, the application u/s 5 of Limitation Act is required to be allowed.

Hence, it is

Ordered

that the application u/s 5 of Limitation Act is allowed.

The delay of 18 days is hereby condoned for the ends of justice.

The application for stay will be taken up for consideration after appearance of the plaintiff/respondent.

The appellants are directed to take steps.

Call for LCR.

To **10.11.2025** (due to ensuing Puja vacation) for LCR and steps in the meantime.

Office to do the needful.

Dictated and corrected by me

Sd/-

(Mir Rashid Ali)

District Judge, Bankura

Sd/-

(Mir Rashid Ali)

District Judge, Bankura