

Misc. Appeal 01 of 2024

CNR No.-WBBK090000562024

Order-07
02.12.2024

Today is fixed for S/R upon respondent No. 2, hearing of the petition U/S 05 of the Limitation Act and filing of W/O if any in the meantime.

It is stated by the appellant that the date of T.S. No. 73 of 2023 before the Court of Ld. Civil Judge (Jr. Division), 2nd Court was fixed on 16-01-2024 for filing documents by the defendant and to pass order of injunction. The appellant remained present upto 05:00 PM on 16-01-2024 but no order was found.

It is also stated that the date was fixed on 22-02-2024 but the Ld. Lawyer of the appellant found that the prayer for injunction was rejected on 16-01-2024 by the Ld. Court below.

On 22-02-2024 the appellant filed an application for the urgent certified copy of the said injunction order and the certified copy was received on 22-02-2024.

The appellant filed the instant Misc. Appeal on 01-03-2024 before this court and so that there was delay in filing the instant Misc. Appeal.

Hence, the instant petition.

Ld. Advocate for the appellant submit that there is no intentional latches on the part of the appellant and the delay in filing the instant Misc. Appeal is very minimum and so that the said delay should be condoned.

On the other hand, Ld. Advocate for the respondent submits in detail and leaves the matter to the discretion of the court.

Considering the facts and circumstances of the case, materials in the record and submission of the parties, I hold that the delay in filing the instant Misc. Appeal is not huge and there are substances in the submission of the Ld. Advocate for the appellant.

Therefore, considering the entire situation, it is,

ordered

that the petition U/S 05 of the Limitation Act, dated-01-03-2024 filed by the appellant is hereby allowed as prayed for by condoning the delay occurred in filing the instant Misc. Appeal.

The instant petition is accordingly disposed of.

Call for LCR.

To 06-12-2024 for LCR and hearing.

Dictated & Corrected by

A.D.J
Khatra, Bankura

Additional District Judge,
Khatra, Dist.- Bankura
J.O. Code WB00638

