

L.A. Case No.14 of 2019
Present: Jayashree Banerjee, Chief Judge (in-Charge)
Order No.16/dated 02.09.2022:

Today is fixed for taking steps.

Petitioner/applicant files hazira through his Ld. Lawyer.

Petitioner/applicant also files an application under Section 5 of the Limitation Act, 1963 (Act 36 of 1963) for condonation of delay of 149 days of filing an application regarding the death of Kashinath Roy, one of the legal heirs of the deceased Naba Kumar Roy and Swapan Roy on the grounds as stated therein. Let it be kept with the record.

The case is taken up for hearing of application under Section 5 of the Limitation Act.

Heard Ld. Lawyer for the petitioner.

It is stated by the petitioner/applicant by filing the instant application that Kashinath Roy, one of the legal heirs of the deceased Naba Kumar Roy and Swapan Roy died issueless on 16.03.2021. But due to some unavoidable circumstances he did not inform the fact within the statutory period of time. As such, the petitioner prays for condoning the delay of informing the death of Kashinath Roy, one of the legal heirs of the deceased Naba Kumar Roy and Swapan Roy and passing necessary order as the court may deem fit and proper.

On perusal of the application under Section 5 of the Limitation Act and the materials available on record, it appears that the petitioner/applicant has informed the facts of death of Kashinath Roy, one of the legal heirs of the deceased Naba Kumar Roy and Swapan Roy after the statutory period of limitation. But it is fact that the reasons behind the delay of informing the fact is unavoidable and for the ends of justice the delay should be condoned.

Accordingly, the application under Section 5 of the Limitation Act is hereby considered and allowed.

Let the delay for informing the death of Kashinath Roy, one of the legal heirs of the deceased Naba Kumar Roy and Swapan Roy is condoned.

Let the name of Kashinath Roy, one of the legal heirs of the deceased Naba Kumar Roy and Swapan Roy be deleted from the original application for Letter of Administrations.

Amend the original application.

D.A to do the needful.

Ld. Lawyer for the petitioner submits that he is ready with the amended copy of the application and if the Ld. Court permits him to file, he can file the same at once.

Ld. Lawyer for the petitioner is permitted to file the same during the course of the day and he files the amended copy of the application before the court after being permitted.

On perusal of the amended copy of the application it is found that the same is in its proper form and manner and the same is accepted.

Fix 02.12.2022 for S/R.

Dictated & corrected by me,

Chief Judge.

Chief Judge
City Civil Court, Calcutta.