

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
1st COURT, DAKSHIN DINAJPUR AT
BALURGHAT**

Present : Smt.Ali Biswas (Sarkar)
Addl.Dist. & Sess.Judge,1st Court
Dakshin Dinajpur at Balurghat
M.A.C.C.No. 69 OF 2022
Comp.Regn.No.69/2022
CNR-WBDD01-000981-2022

ORDER NO.06

05.12.2022

Today is fixed for furnishing necessary information and hearing of petition u/s.5 of Limitation Act. An advocate's hazira is filed on behalf of the petitioner. Ld.Lawyer on behalf of the petitioner files a petition on the ground stated therein.

This petition dt.05.12.2022 is taken up for hearing. Perused the petition.

Heard. Considered.

Ld.Lawyer on behalf of the claimant/petitioner no.1 Gita Rani Roy submits that the claimant no.1 has fled this case on behalf of herself and her minor grandson and grand-daughter namely Mihir Roy and Nandini Roy who are the son and wife of the deceased Tapan Roy. Ld.Advocate also submits that OP No.1 Rakhi Roy , the wife of the deceased Tapan Roy, is the mother of the said minor claimants, but she has been impleaded in this case as OP No.1 being the owner of the offending vehicle. In this circumstances, the claimant/petitioner no.1 Gita Rani Roy who is the grandmother of minor claimants has filed this case on behalf of the minor claimants. So, necessary permission may be given so that the claimant no.1 Gita Rani Roy can proceed this case on behalf of minor grandson and grand-daughter namely Mihir Roy and Nandini Roy.

Considering all the materials on record and keeping in mind the fact that being the owner of the offending vehicle Smt.Rakhi Roy who is the mother of the minor claimants has already been impleaded in this case as OP No.1, I am of view that the grandmother of the minor claimants who is also the mother of the victim Tapan Roy, may be permitted to proceed with this particular case on behalf of the minor claimants. Otherwise future complication may arise, Hence the instant petition is required to be allowed. Hence,

ORDERED

that this petition dated 05-12-2022 is allowed. Claimant No.1 Gita Rani Roy being the grandmother of the minor claimants is hereby permitted to proceed with this case on behalf of the two minor claimants namely 1) Mihir Roy & 2) Nandini Roy.

Requisites at once.

To **20-02-2023** for S/R and appearance.

Dict & Corr by

A.D.J,1st Court

Addl.Dist.Judge,
1st Court, Dakshin Dinajpur

Later
05-12-2022

Petition u/s.5 of the Limitation Act is taken up for hearing.

Perused the petition. Heard. Considered.

Ld.Lawyer on behalf of the petitioner submits that the instant claim petition has been filed after the prescribed period of limitation due to Lock Down and due to sudden death of the victim all the petitioners sustained great mental shock. For that reason the delay in filing the instant petition has been caused which is unintentional. Ld.lawyer on behalf of the petitioner submits that necessary order may kindly be passed for condonation of the said delay.

Considering all the materials on record, it appears that the cause shown for non-filing the claim petition before the court within the prescribed period of time is sufficient and I am of the view tht the delay should be condoned for the ends of justice. Hence,

ORDERED

that the petition u/s.5 of the Limitation Act is allowed. The delay for non-filing claim petition within precribed period of time is hereby condoned.

The instant M.A.C.C-69 of 2022 is hereby admitted.

To Date for S.R & appearance.

Dict & Corr by

A.D.J,1st Court

Addl.Dist.Judge,
1st Court, Dakshin Dinajpur

