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IN THE COURT OF DISTRICT JUDGE, DAKSHIN DINAJPUR AT BALURGHAT.
Present : Shri Manas Basu (JO Code WB00598)
Title Appeal No.26 of 2025
Reg. No.26 of 2025
CNR No.WBDD01-002690-2025

Order No.06
Dt.01.08.2026

Today is the date fixed for hearing of the limitation petition, w/o if any in the meantime.

Ld. Lawyer for both sides file hazira. The State of West Bengal is represented by the Ld. G.P. is also file hazira.

The written objection against the limitation petition filed by the respondent nos.1 and 2 after supplying copy to the other side.

The record is taken up for hearing of the petition for limitation regarding condonation of delay to file the appeal in time.

As per Ld. Lawyer for the appellant there is a delay of 179 days to file the appeal. The ground has been assigned by the appellant that the appellant was suffering from acute medical issues, which made her physically incapable of completing the procedural requirements in time.

The second ground has been assigned that the appellant resides in a rural area and had difficulty in collecting certified copies and relevant documents from the office of the Trial Court.

The third point is that the appellant had to engage new counsel for filing the appeal, and drafting, vetting and analysis of the voluminous records required additional time.

The fourth point is that the mutation dispute before the B.L & L.R.O concerning the same property caused additional confusion and required verification of revenue records before the filing of the appeal.

It has been stated by the Ld. Lawyer for the appellant that the delay is bonafide and not intentional or deliberate. No prejudice will be caused to the respondents if the delay is condoned, whereas the appellant will be severely prejudiced if her meritorious appeal is dismissed on technical grounds. There is no willful laches or willful negligence on the part of the appellant in not preferring this appeal before this Ld. Court within the prescribed period of limitation.

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On the contrary Ld. Lawyer for the respondent nos.1 & 2 raised vehement objection regarding the petition for condonation of delay.

It has been stated by the Ld. Lawyer for the respondent nos.1 & 2 that there is no medical certificate enclosed with this appeal to show that the appellant was suffering from illness.

The living of the appellant in rural areas in collecting certified copies and relevant documents has no ground for delay.

The appointment of new counsel, drafting, vetting and analysis of the voluminous records cannot be ground as additional time.

The appellant failed to state the specific reasons for delay. So, the limitation petition is liable to be rejected with exemplary cost.

I have considered the submissions of both sides. Perused the case record, specially the limitation petition.

After considering the same I find there is sufficient delay to file the appeal in time.

I do not find any medical document of the appellant to justify before the Court that the appellant was suffering from any illness.

The change of new lawyer for filing the appeal, drafting, vetting and analysis of the voluminous records is not also the ground for delay.

There is a delay of filing this appeal after lapse of 179 days and for such delay there is no cogent ground has been assigned by the appellant.

There is a maxim of equity "That the person who comes before the Court, he or she must come before the Court in clean hand."

I do not find any cogent ground as to why the petitioner has come before the Court after lapse of 179 days to file the appeal.

It is the law that reason should be mentioned properly in the petition for limitation regarding delay. It is not that the Court suo-moto allow the petition for limitation without any reason assigned in the petition for limitation.

As per Act there should be adequate reasons or reasonable grounds for the Court to believe the applicant was prevented from proceeding with the application in a Court of law that "Sufficient cause for not filing legal proceedings on time refers to a valid reasons that prevented a party from meeting

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the prescribed deadline. It is a legal term used in the context of condonation of delay in filing appeals or applications, and the Court has discretion in determining if cause is indeed sufficient. It is the duty of the applicant/petitioner to focus on the reasons for delay”.

I would like to cite a decision 2022 Live Law (SC) 227 where it has been observed by the Hon’ble Apex Court of India that “The Court has no power to extend the period of limitation on equitable grounds-Still to condone the delay would be giving a premium to a person who fails to explain the delay and who is guilty of delay and laches”.

I would like to quote a Latin legal maxim :-

Vigilantibus non dormientibus Jura Subveniunt is a foundational Latin legal maxim that translates to : “The law assists those who are vigilant, not those who sleep upon their rights”.

After considering the discussion made in foregoing paragraphs, I find that the petitioner has not properly explained the delay to file the appeal in time.

Considering the same the petition for limitation for condonation of delay to file the appeal in time is stands rejected.

Accordingly, the Title Appeal being No.26/2025 has leg to stand, which is also rejected.

Inform both sides.

Dictated & corrected by me

District Judge
Dakshin Dinajpur at Balurghat.

District Judge,
Dakshin Dinajpur at Balurghat