

Order No. 11 dt. 05.3.25

Today is fixed for hearing of the petition u/s 5 of the Limitation Act as last chance.

O.P. has filed hazira today. O.P. has also filed a written objection and has also filed a copy of ruling of Hon'ble Supreme Court of India by firisti. Let it be kept with the record.

Petitioner has filed an adjournment petition today. Ld Advocate for the petitioner is found absent but the petitioner is present in court. Petitioner in person, moves the said adjournment petition signed by his ld Advocate after obtaining leave of this court and submits therein that his ld Advocate is indisposed today and hence unable to attend this court today. He prayed for allowing the said adjournment.

Ld Advocate for the O.P. raised objection.

Heard both the sides. Perused the petition and record. Considered.

It is apparent that the instant matter relating to condonation of delay u/s 5 of the Limitation Act is dragging for long. Petitioner has already taken two adjournments in this matter on 21.8.23 and 12.12.23 and has yet again sought for adjournment when the matter was fixed today for hearing of the said petition as last chance.

However, in the interests of justice, the adjournment sought by the petitioner is allowed as special last chance, **but on payments of cost of Rs. 10000/- (rupees ten thousand) only which must be paid by the petitioner to DLSA Hooghly** on or by the next date fixed in this case. If the cost is not found deposited by the petitioner on the next date, the instant sec. 5 petition would be deemed to be dismissed for default and consequently the instant case would stand dismissed.

To 07.05.2025 for hearing of the sec. 5 petition subject to filing of receipt of cost and further order.

Dictated & Corrected by

Sd/-

Addl. District Judge, 2nd Court
Serampore

Sd/-

Addl. District Judge, 2nd Court
Serampore.

