

Order No. 17 dated 01.04.2021:

Today is fixed for hearing of application under Order 26 Rule 9 read with Section 151 of the CPC.

Both parties file hazira.

Ld. Advocate appearing for the respondents submit that the appeal was filed after expiry of period of limitation along with an application under Section 5 of the Limitation Act and the application under Section 5 of the Limitation Act has not yet been disposed of and unless application under Section 5 of the Limitation Act is heard and disposed of, this application cannot be considered.

Perused the record. Considered.

The appeal was preferred against the judgment and decree dated 23.05.2017 passed in Title Suit No. 317 of 2015. Memo of appeal was presented on 15.07.2017 along with an application under Section 5 of the Limitation Act praying for condonation of delay.

It appears from the record that application under Section 5 of the Limitation Act has not yet been disposed of. I am of the opinion that disposal of application under Section 5 of the Limitation Act is necessary prior to hearing of present application under Order 26 Rule 9 read with Section 151 of the CPC. So, the case is adjourned today.

Fix 06.05.21 for hearing of application under Section 5 of the Limitation Act.

Dict. & corr. By me.
Sd/- Sri. Shailendra Kumar Singh
Addl. Sessions Judge, 2nd Court,
Serampore, Hooghly.

Sd/- Sri. Shailendra Kumar Singh
UID No. - WB665
Addl. Sessions Judge, 2nd Court,
Serampore, Hooghly.

