

Title Appeal – 06/2020
CIS – 340/2017

Order No. 29 dated 08.09.2022:

Today is fixed for hearing of petition dated 10.06.2022.

Both parties file hazira.

Petition dated 10.06.2022 filed by the appellant is taken up for hearing.

Ld. Advocate appearing for the appellant submitted that application under Section 5 of the Limitation Act was allowed subject to payment of cost of Rs.2,000/- but the appellant is unable to pay the cost and it has become burden on him.

Ld. Advocate appearing for the respondents submitted that after considering the facts and circumstances of the case, this court allowed the application under Section 5 of Limitation Act subject to payment of cost and it is the duty of the appellant to make payment of cost as directed by the Court.

Perused the petition as well as record. Considered.

The explanation for condonation of delay was not satisfactory. However, this Court allowed the application under Section 5 of the Limitation Act subject to payment of cost of Rs.2,000/- by the appellant to the respondents with a view to give an opportunity to the appellant to prosecute. In my opinion, a reasonable amount of cost was imposed. In such circumstances, this Court is not inclined to reduce the cost imposed by order No.24 dated 19.05.2022. Hence, the application dated 10.06.2022 is rejected on contest.

The appellant is directed to make payment of cost of Rs.2,000/- to the respondents on or before 05.11.2022, in default, the application under Section 5 of the Limitation Act shall stand rejected.

Fix 05.11.2022 for payment of cost of Rs.2,000/- and further order.

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

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