

Title Appeal No. 205 of 2015

Order No. 76 dated 27.08.2025

Today is fixed for hearing petition dated 25.07.2023 filed by respondent for condonation of delay in filing cross objection, u/s 5 of Limitation Act.

Heard both sides. Perused materials on record.

It is found that this appeal was filed in the year 2015 by the appellant. Process was served on the respondents and they appeared in the same year and started contesting this appeal.

However, they prayed for filing cross objection in the year 2023 along with delay condonation petition u/s 5 of the Limitation Act.

Considered provision under Order 41 Rule 22 CPC. Therefrom it is clear that the time for the same is one month from the date of service of the notice.

Respondent has submitted in his petition that due to not having proper instructions from the concerned Lawyer he could not pray the same earlier.

Considered all. Casting blame on a lawyer cannot be a ground for condonation of delay.

However, to give an opportunity to the respondent this petition stands allowed, but to compensate the pains and agonies of the appellant, this court is of exclusive opinion that respondent should be directed to pay cost of Rs.2,000/- as condition precedent .

Cost amount if paid 50% shall go to D.L.S.A., Serampore and 50% to the appellant in any lawful mode.

Cost amount must be paid by date fixed in default liberty to the respondent shall stand recalled.

Fix 03.12.2025 for payment of cost and further order.

Dictated & Corrected by me.

ADJ, F.T.C., Serampore.

Additional District Judge,
Fast Track Court, Serampore, Hooghly.