

Title Appeal No. 40 of 2026
CNR No. WBHW01 002274 2026
Present: Subhash Kumar Kar,
District Judge, Howrah.
J.O. Code – WB00592

Order No. 06 dated 23.06.2026.

Both parties file their respective haziras.

Today is fixed for hearing application under Section 5 of the Limitation Act.

Heard both sides on the application.

The learned Advocate for the appellants submitted that the appellants could not file the instant appeal within the period of limitation as the clerk of the learned Advocate informed the appellant about the fate of the suit after 20 days of handed down the judgement by the learned Trial Court and it took considerable time to obtain the certified copy of the judgement impugned and in the process of preparation of the appeal, it took some other time and as a whole there was a delay of 8 days in filing the appeal and it is prayed to condone the delay.

The learned Advocate appearing for the respondent submitted that the delay has not been properly explained and it is not fair to blame the conduct of the earlier Advocate or his clerk for filing the appeal beyond the period of limitation and it is prayed to reject the prayer.

On perusal of the record it appears that the impugned judgement was passed on 02.02.2026 and the application for certified copy was made on 23.02.2026 and the certified copy was made ready and delivered on 13.04.2026 and thereafter the appeal was filed on 30.04.2026 and according to the office report there was a delay of 7 days in filing the appeal.

Since the right of the appellant concerning an immovable property is involved in this appeal and if he is thrown out at the threshold of the justice it may cause irreparable loss and injury to him.

Thus, having regard to the explanation offered in the petition, I am inclined to allow the application but at the same time with some cost.

Hence, it is

O r d e r e d

that the application under Section 5 of the Limitation Act is allowed on contest on payment of cost of Rs. 2,500/- payable in favour of the respondent and the delay of 7 days in filing the appeal is condoned accordingly.

Let the appeal be admitted.

Fix 28.07.2026 for payment of cost and hearing of stay application.

Call for TCR.

Written objection, if any, in the mean time.

Dictated and Corrected by me.

D. J.

District Judge, Howrah.