

Title Appeal No. 151/2023
CNR No. WBHW0100 6285 2023
Present: Sonia Majumdar
District Judge, Howrah.
J.O. Code – WB01128

Order No. 05 dated 22.11.2024.

Both parties file their respective haziras through their learned Advocates.

Today is fixed for hearing application under Section 5 of the Limitation Act and W/O, if any, in the mean time.

By filing the application under Section 5 of the Limitation Act, learned Advocate for the appellants submits that the appellants could not file the instant appeal in due time on account of appointment of a new Advocate and also for intervention of Puja Vacation and for that reason there was some delay in filing the instant appeal. It is, therefore, submitted that as the delay in filing the instant appeal is completely unintentional, the same may be condoned by allowing the application under Section 5 of the Limitation Act.

Heard the learned Advocate for the respondent also.

Heard both sides. Considered the grounds made out in the application for condonation of delay.

On scrutiny of the office report, I find that there was delay of 20 days in filing the instant appeal.

Having considered the submission of both sides and materials in record, I am inclined to allow the petition u/S. 5 of the Limitation Act, subject to payment of cost.

Hence, it is

Ordered

that the application under Section 5 of the Limitation Act in Title Appeal No. 151 of 2023 is allowed on contest and the delay in filing the appeal is hereby condoned, subject to payment of cost of Rs. 500/- in favour of the D.L.S.A., Howrah.

Fix 16.12.2024 for filing receipt showing payment of cost.

Dictated and Corrected by me.

D. J.

District Judge, Howrah.