

T.A 62/2023

Order No.8 dated 02.12.2025

Both sides file hajira. Ld lawyers for the appellant and respondent are present on call.

The case record is taken up for hearing of application u/s 5 of the Limitation Act 26.03.2023.

Ld. Lawyer for the applicant submits that there was delay in filing this Appeal due to misplacing of brief.

Hd. The lawyer for the appellant and respondent.

Perused the application filed u/s 5 of the Limitation Act . It appears that the impugned Order in this case was passed on 15.03.2022 but the appeal has been filed on 26.06.2023 ie after , about 06 months.

Ld. Lawyer for the appellant submits that due to misplacing of the brief, he could not file appeal within stipulated period and prays for condonation of delay. Though, the grounds taken by the lawyer can be considered to some extent, but not enough to exempt him from paying cost.

Hence,

Ordered

that the application u/s 5 of the Limitation Act dated 26.06.2023 stands allowed with a cost of Rs. 5500/-to be paid to the SDLSC, Lalbagh.

Accordingly, the instant Title Appeal being no.62/2023 stands allowed provisionally subject to payment of cost of Rs. 5500/-.

Issue notice upon the respondents.

To 11.02.2026 for filing of money receipt and hearing.

Callfor LCR.

The copy of order be sent to the Chairman, SDLSC, Lalbagh.

Dictated & Corrected by me.

Addl. District. Judge, 1st Court,
Lalbagh, Msd.

Addl. District Judge, 1st Court,
Lalbagh, Murshidabad.