

Title Appeal 11/2025, CIS 11/2025

CNR No. WBND05-000-232-2025

J. No. - WB00728

Order No.04

Dated 18.11.2025

Both the petitioner and respondent are present by filing hazira.

Today is fixed for hearing of the petition u/s 5 of Limitation Act, W.O in the meantime.

No W.O has been filed.

Perused the petition u/s 5 of Limitation Act, record, heard Ld. Advocates and considered.

It appears that there is delay of 118 days only in filing this Misc. Appeal. Ld. Advocate of the appellant submits that actually the parties are relatives and talk of compromise was going on due to which the delay took place.

Ld. Advocate of the respondent has raised objection by submitting that in the petition u/s 5 of Limitation Act, appellant has stated that the appellant fell in various family problem due to which he could not contact with the Ld. Advocate and the said family problems have not been elaborated and in absence of specific ground for condonation of delay, the petition should be rejected.

In the petition, appellant has stated that the delay took place as the appellant fell in various family problem, but during hearing Ld. Advocate of the appellant clarified that actually talks of compromise was going on as the parties are relatives and by the term 'family problem', he meant the talk of compromise.

It is the settled law that petition for condonation of delay should be dealt with liberally.

Considering the above fact and submission of the appellant, I am inclined to allow the prayer with cost.

Hence, it is

ordered

that the petition u/s 5 of Limitation Act is hereby allowed on contest with cost of Rs.1000/- and Misc. Appeal being Misc. Appeal no.11/2025 is hereby admitted.

Call for TCR.

Fix 08.01.2026 for TCR & payment.

Dictated and corrected by me

Sd/-

ADJ, Nabadwip, Nadia

Sd/-

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