

Title A . 2/2024

04/ 15.07.2024

Appellant and respondent file separate haziras .

Today is fixed for filing W.O.

No W.O has been filed.

Both the sides agreed for hearing petition u/s 5 of Limitation Act.

Heard both sides.

Perused the petition u/s 5 of Limitation Act.

Ld. Adv of appellant submitted that there is 7 days of delay in filing the appeal and that appellant is extremely poor and he is ready and willing to pay a reasonable but not exorbitant cost for appeal be heard on merit.

ld. Adv of respondent submitted that a reasonable cost be imposed for delay in filing the appeal and petition u/s 5 of Limitation to be allowed.

Admittedly there is substantial delay in filing the the appeal. However as both sides are inclined to hear the appeal on merit subject to a reasonable cost and also in view of the fact that appeal be heard on merit , this court is of the view that a cost of Rs. 200/- C.P is sufficient for allowing the instant petition u/s 5 of Limitation Act for condonation of delay.

Hence, it is

o r d e r e d

that the instant petition u/s 5 of Limitation Act is allowed on consent of both sides subject to payment of cost of Rs. 200/- C.P to the respondent and a xerox copy of receipts is to be deposited thereof on the next date .

The instant petition u/s 5 of Limitation Act is thus disposed of.

To 26.09.2024 for filing receipt of cost to the respondent .

dictated & corrected by me

Addl. District Judge , Basirhat

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