

C 48/25

Order dated: 10.7.25

Today the record is fixed for hearing of petition u/s.5 of Limitation Act.

Complainant is present by filing hazira.

The case record is taken up for hearing.

Ld. Advocate on behalf of the complainant submitted that the instant case has been filed after the delay of 5 days from the prescribed period of limitation due to medical condition of the Ld. Advocate himself. There was no intentional latches on the part of the complainant. The complainant prays for condonation of delay of the said 5 days. He has filed the copy of the medical document.

Heard and considered.

In the case of *Maniben Devraj Shah V. Municipal Corporation of Brihan Mumbai AIR 2012 SC 1629* the Hon'ble Court had held that '*No hard-and-fast rule has been or can be laid down for deciding the applications for condonation of delay but over the years this Court has advocated that a liberal approach should be adopted in such matters so that the substantive rights of the parties are not defeated merely because of delay.*'

Considering the facts and circumstances of the case, the observation of the Hon'ble Court and for the ends of justice, the prayer for condonation of delay is allowed.

Hence, it is,

ORDERED

that the petition filed by the complainant Limitation Act is hereby considered and allowed.

To 04.12.25 for SA.

Typed, Printed & Corrected by me,

**(Pratigya Pradhan)
J.M, 3rd Court, Barrackpore.**

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