

Ej 47 of 2016

order no. 21 dated 16.11.2018

Today is fixed for order in connection with the petition under Section 5 of the Limitation Act.

The defendant has filed this petition praying for condoning the delay in filing the petition under Section 7(1) and 7(2) of the WBPT Act, 1997. On perusal of the petition, it appears that there has been delay of more than one year and no document to substantiate the ground of illness of the defendant has been filed. The delay is absolutely unexplained to the satisfaction of the Court. The delay cannot be condoned as a matter of routine.

Accordingly, the petition under Section 5 of the Limitation Act is rejected.

Consequently the petitions under Section 7(1) and 7(2) are rejected as not maintainable being barred by time.

Defendant has filed no document showing payment of cost imposed for vacating the order for ex-parte hearing of the suit.

To 30.11.2018 for payment of cost of Rs 500/- by the defendant as per order no. 19 dated 04.06.2018 in default, the suit will proceed ex-parte.