

Misc Case No. 46 of 2024

Order No. 04 dated 21.05.2024

The petition under section 5 of the Limitation Act filed by the petitioner is taken up for hearing.

Heard Ld. Advocate for the petitioner.

It appears that the appeal filed by the present petitioner was dismissed under Order 41 Rule 17 CPC and by filing the instant petition prayer was made for readmission of the appeal as per provision of under Order 41 Rule 19 CPC.

It was submitted that due to severe ailments of the appellant, the instant Misc case could not be filed within the statutory period of 30 days from the date of order of dismissal.

In support of their contention the prescription are filed.

I have considered the same.

I think that considering the age of the petitioner and his ailments the petition U/s 5 of the Limitation Act can be allowed.

Hence, it is,

ORDERED,

That the instant petition under section 5 of the Limitation Act dated 20.02.2024 is allowed without cost.

Let the instant Misc case be admitted.

To **02.07.2024** for hearing of the instant petition Under Order 41 Rule 19 CPC.

D/C by me,

(Anirban Das)/WB-691,
Addl. Sessions Judge ,
1st Court, Sealdah
South 24-Parganas