

Criminal Appeal No. 11 of 2024

(F-11 of 2024)

Order No. 01 dated 01.03.2024

The appellant/wife have filed the instant appeal U/s 29 of PWDV Act being dissatisfied with the order dated 04.11.2023 passed by the Ld. JM, 3rd Court, (in charge) in DV case No. 85 of 2019.

The instant appeal was filed on the ground that the quantum of interim maintenance allowed by the Ld. JM was meager to meet the need of the appellant and her minor child and that the prayer under section 19 and 22 of the said Act was refused to be entertained by the Ld. Trial Judge.

The Ld. Advocate for the appellant by filing petition prays for allowing the petition under section 5 of Limitation Act for condonation of delay of 44 days for filing of the instant appeal.

I have carefully perused the said petition.

It was the submission of the Ld. Counsel for the appellant that the appellant was suffering from severe ailment and was advised by the doctor to take complete bed rest and that she could not give proper instruction to her Ld. Advocate and for that reason delay was caused.

Heard Ld. Advocate for the appellant.

I think that if the delay will not be condoned, the present appellant will suffer irreparable loss and the very purpose of challenging the impugned order will be frustrated.

Accordingly, I think that petition under section 5 of Limitation Act should be allowed for the interest of justice.

Hence it is

ORDERED

that the instant application under section 5 of Limitation Act dated 01.03.2024 is allowed.

The instant appeal is admitted.

Let the case record be transferred to the court of Ld. ADJ, FTC, 1st Court, Sealdah for disposal.

To **19.03.2024** for appearance before the transferee court.

The appellant is directed to serve the copy of the memo of appeal within the next date of hearing to the respondents.

D/C by

(Anirban Das)/ WB00691,
Additional Sessions Judge,
1st Court, Sealdah

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