

***Title Appeal No. 31 of 2023***  
***( F-32 of 2023***

Order No. 03 dated 17.07.2023

Ld. Advocate for the appellant is present.

The instant appeal was filed being dissatisfied with the judgment and decree dated 30.03.2023 passed by Ld. Civil Judge (Jr. Divn) 2<sup>nd</sup> Court, Sealdah in Title suit No 146 of 1995.

Along with the said Memo of Appeal, a petition under section 5 of the Limitation Act supported by an affidavit is filed.

I have carefully perused the said petition and it appears that there was a delay of 27 days for filing of the instant appeal and as such, a petition under section 5 of the Limitation Act was filed by the appellant and the same is taken up for hearing.

Heard Ld. Advocate for the appellants.

As per the submission of Ld. Advocate for the appellants the appellant No. 4 Ashok Kr. Dutta suddenly fell ill and the same prevented him from filing the instant appeal in due time.

Relevant document was filed along with the said petition.

On that ground prayer was made to allow the petition under section 5 of Limitation Act and to admit the said appeal.

Considering the document filed by the appellant, I am of the view that the said petition can be allowed on payment of a token cost.

Hence it is

**ORDERED**

that the instant application under section 5 of Limitation Act dated 05.06.2023 is allowed with cost of Rs. 2,000/- to be deposited to the Secretary, DLSA, South 24 Parganas under the Victim Compensation Scheme.

The instant appeal will be admitted on producing of the receipt of payment.

To **31.07.2023** for production of receipt of payment as mentioned above.

D/C by me,  
  
ASJ-I

(Anirban Das)/WB-691,  
Addl. Sessions Judge ,  
1<sup>st</sup> Court, Sealdah

South 24-Parganas