

**OC Appeal No.01 of 2020**  
**CNR No.WBUD01-00996-2020**  
**J.O Code No.(WB01277)**

**Order No.22**  
**Dated: 09.01.2024**

Today is fixed for hearing of limitation.

Both parties are ready through their Ld. Advocates.

It is submitted from the end of the petitioner/appellant that as morefully described in the petition filed under the relevant provision of the Limitation Act sufficient reasons exist for the delay in preferring the instant appeal which needs to be appreciated by the Ld Court. It is also pointed out from the end of the petitioner that the said reasons for the delay will convincingly usher in a situation thereby paving the way for the Ld. Court to condone the delay that has crept in the process of preferring the instant appeal.

Ld. Advocate representing the opposite party/respondent vehemently opposes the prayer for condonation of the delay and tries to draw my attention to the fact that there has been a delay of more than 100 days in preferring the instant appeal and such a protracted delay has snatched any scope before the Ld. Court to infer that the appellant was diligent enough in approaching this Ld. Court within the prescribed period which is earmarked for such appeal.

Heard the submissions advanced from both sides.

It is an admitted position that the delay which has occasioned with respect to the filing of the appeal is counting a period of more than 100 days. On evaluation of the contents of the petition, preferred for condonation of delay from the end of the appellant, I find that whatever delay has cropped up that cannot be attributed to any laches on the part of the appellant. In the face of such an eventuality, I think that the settled legal proposition envisaged through several judicial pronouncement and covering the domain of such applications with respect to condonation of delay, squarely works in favour of the appellant herein thereby entitling him with the relief of an order condoning the delay that has sneaked in the process of preferring the appeal. By toeing in this line, I am constrained to surmise that the application for condonation of delay does not suffer from any impediment for consideration and accordingly the same stands allowed. The delay so caused in preferring the appeal is hereby condoned.

The application u/s 5 of limitation Act. stands disposed of on contest.

Let the appeal be fixed for hearing on the next date.

Fix **18.03.2024** for hearing of the appeal, LCR in the meantime.

District Judge,  
Uttar Dinajpur at Raiganj