



Civil Appeal No.20/2023
Md Sorifuddin & Ors Vs. Md Samir & Ors

4/04.09.2025.

Today is fixed for hearing the petition under Limitation Act and SR & AD of respondent nos. 3, 4 and 5.

Ld. Advocate for the appellant is present.

All the 09 respondents appeared by filing fresh Vokalatnama.

The case is already running exparte against respondent nos.1,2 and 6 to 10.

A petition is filed by the respondent nos.1,2 and 6 to 10 for vacating the exparte hearing of the case on the ground stated therein. So, the petition in this regard is also filed. Both the petitions are supported by an affidavit.

Copy supply to the appellant with an endorsement of objection.

Let the petition is taken u for hearing.

Ld. advocate for the respondent nos.1,2 and 6 to 10 submitted that the respondents could not appear on the last date as they were busy in cultivation work. So, he prays for vacating the order of exparte against them and a show cause in this regard is also filed.

Ld. Advocate for the appellant at the time of raise no objection and submitted that the petition may be allowed by accepting the show cause.

Heard. Considered.

The case is a Misc Appeal and it is normally to be disposed of on merit.

Considering the facts and circumstances of the case the show cause filed by the respondent nos.1,2 and 6 to 10 is considered to be satisfactory and accordingly, the petition for vacating the exparte is allowed.

The exparte hearing in respect of respondent nos.1,2 and 6 to 10 is hereby vacated without any cost.

Ld. advocate for the appellant submitted a petition under the Limitation Act is pending for hearing.

Ld. Advocate for the respondents submitted that he has no objection if the petition u/s 5 of the Limitation is allowed.

Let the petition under section 5 of the Limitation Act is taken up for hearing.

Ld. advocate for the appellant submitted that the appellant is suffering from illness and also, he had to spend some period of time for obtaining certified copy of the concerned orders. So, he prays for considering such grounds is sufficient and prays for condoning the delay. No objection raised.

Generally, the ground of limitation be construed liberally.

Considering the submission of both sides, the ground stated in the limitation petition is considered as sufficient and thereby the delay caused for filing of the appellant is condoned.

At this stage, Ld. advocate for the appellant by filing a petition submitted that the LCR is required to be called for the purpose of effective hearing of the appeal.

Ld. advocate of the respondents also agrees the submission.

Accordingly, the Court thinks fit to call for the LCR from the Ld. Court below.

So, the LCR be called for.

The respondents also file a petition with a prayer for time for filing the written objection against the appellant.

The respondents had made their appearance today. Accordingly, prayer for time is allowed.

Fix 13.11.2025 for filing written objection against the appeal and LCR.

Let the copy of this order be sent to the Ld. Court below.

DA to comply.

Dictated and corrected

Additional District Judge
Islampur, Uttar Dinajpur

(Manik Lal Jana) (WB01023)
Additional District Judge
Islampur, Uttar Dinajpur

Visit ecourts.gov.in for updates or download mobile app "eCourts Services" from Android or iOS