



Misc Appeal No. 14/2025  
Mojibul Islam & Ors Vs Avdul Khaleque & Ors

Order No. 02

Dated 26.06.2025

Today is fixed for SR/appearance and hearing of the application under section 5 of the Limitation Act.

Ld. Advocate for the appellant is present by filing Hazira.

Ld. Advocate for the appellant prays for hearing of the petition under section 5 of the Limitation Act.

Let the petition is taken up for hearing.

Ld. Advocate for the appellant submitted that he filed the petition for condonation of delay caused in filing of the instant appeal on the ground that the delay caused due to the time spent for obtaining the certified copy of the relevant order and also that the appellant was under financial strain for filing the appeal. So, he prays for condonation of the delay caused.

Heard. Perused and considered.

The record speaks out that the appellant had not filed appropriate requisite on the last day. Still the court thinks fit that the petition under section 5 of the Limitation Act can be heard in absence of the respondents.

Having heard to the Ld. Advocate for the appellant and on perusal of the record, this court finds fit to considered the petition under section 5 of the Limitation Act liberally as the Hon'ble Supreme Court and Hon'ble High Courts had been pleased to settle the position of law to construe such applications liberally in several cases. Therefore, the reason shown in the petition appears to be sufficient and can be considered as accepted. Thus, the petition under section 5 of the Limitation Act for condonation of delay is considered and allowed. The delay in filing the instant appeal is thus condoned.

Fix 13.08.2025 for SR/appearance.

The appellant is directed to file appropriate requisite at once.

Dictated and corrected

ADJ Islampur,  
Uttar Dinajpur

(Manik Lal Jana) (WB01023)  
ADJ Islampur,  
Uttar Dinajpur

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