

T.Appl. 4 of 2023 (R-2/2023)

Order No. 12 dtd 26.9.2024.

Today is fixed for evidence of respondents.

Appellant filed hazira through Ld. Advocate. Respondents filed hazira through Ld. Advocate.

The record is taken up for hearing the petition u/sec, 5 of Limitation Act.

Heard Ld. Advocate for both sides.

Heard the Ld. Advocate for the appellant. He submits that there is delay of 14 months. He has further submitted that there was delay in filing the instant appeal. Accordingly, he prayed for condonation of delay.

Considering the submission of the Ld. Advocate for both sides, the application u/sec. 5 of Limitation Act praying for condonation of delay is allowed subject to payment of cost of Rs. 2000/- to be paid to the respondents by 29.11.2024.

The delay in filing the instant appeal is condoned.

Ld. Advocate for the appellants prays for admission of the appeal.

The memo of appeal disclosed that the instant appeal has been preferred against the judgment dated 31.8.2019 and the decree dated 01.11.2019 passed by the Ld. Civil Judge (Junior Division), 2nd Court, Paschim Medinipur in T.S. No. 21 of 2011. The memo of appeal has been filed along with certified copy of the impugned judgment.

From the memo of appeal and the impugned judgment, I do not find any reason to dismiss the appeal at this stage.

Therefore, the appeal is admitted subject to payment of cost.

Call for LCR from the court concerned.

Fix 29.11.2024 for filing of receipt and L.C.R.

Inform.

Dictt and Corrt by me

D. J.

District Judge
Paschim Medinipur