

M. Appl. 64 of 2023
(R. No. 64 of 2023)

Order No. 5 dated 29.2.2024,

Today is fixed for hearing the application u/sec. 5 of Limitation Act, W/O, if any.

Appellant filed hazira through Ld. Advocate along with a medical certificate. The same be kept with the record.

The application u/sec. 5 of Limitation Act is taken up for hearing.

Heard the Ld. Advocate for the appellant. He submits that there is no intentional laches on the part of the appellants to file the instant appeal. He has further submitted that there is delay of some days in filing the instant appeal. Accordingly, he prayed for condonation of delay.

Also heard the Ld. Advocate for the respondent. He raised objection against the application u/sec. 5 of Limitation Act.

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. 1500/- to the respondent.

The delay in filing the instant appeal is condoned.

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

The memo of appeal disclosed that the instant appeal has been preferred against the order dated 27.02.2023 passed by the Ld. Civil Judge (Junior Division), 3rd Court, Paschim Medinipur in T.S. No. 742 of 2022. The memo of appeal has been filed along with certified copy of the impugned order.

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

Therefore, the appeal is admitted.

There is no need to issue notice upon the respondent.

Appellant is directed to pay Rs. 1500/- to the respondent at once.

Call for LCR from the court concerned.

Fix 24.5.2024 for L.C.R and hearing the petition for stay of the impugned order.

Dictt and Corrt by me

D.J.

District Judge
Paschim Medinipur

