

M. Appl. 47 of 2020
(R. No. 47 of 2020)

Order No. 8 dated 17.4.2023.

Today is fixed for hearing the petition u/sec. 5 of Limitation Act.

Appellant filed hazira through Ld. Advocate.

Respondents filed a petition praying for time. None moved the petition.

Accordingly, the same is rejected.

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

Heard the Ld. Advocate for the appellant. Ld. Advocate for the appellant also filed xerox copy of order passed in W.P.No. 5323(W) of 2020. The same be kept with the record.

It appears that the Hon'ble Supreme Court of India in Misc. Application No. 21 of 2022 has observed that "It is further clarified that the period from 15.3.2020 till 28.2.2022 shall also stand excluded in computing the periods prescribed under Sections 23(4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisions (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings".

Ld. Advocate for the appellant submits that there is delay of 64 days in filing the instant appeal, He further submits that due to Covid-19 situation and for non-functioning of the Court, the instant appeal was not filed within the stipulated period. So, there is no laches on the part of the appellant to file the instant appeal.

Accordingly, the delay in filing the instant appeal is condoned.

Hence, the instant appeal is admitted.

Call for LCR from the court concerned.

Fix 28.9.2023 for L.C.R

Dic. & corr. by me.

D.J.

District Judge
Paschim Medinipur