

IN THE COURT OF DISTRICT JUDGE, JHARGRAM

Present : **Sri Sarajit Mazumder**
District Judge, Jhargram
J.O. Code : WB00646

TITLE APPEAL NO. 02 OF 2026
(CNR No. WBWM06-000230-2026)

Order 04 dated 02.07.2026.

Today is fixed for filing written objection and hearing of application u/s 5 of the Limitation Act.

Both the parties are represented through their respective Ld. Advocates and on their behalf lawyers hazira are filed.

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

Heard the Ld. Advocate for the appellant who submits for condonation of delay on the ground that this appellant was not properly advised by the advocate on record before the Ld. Trial Court.

He further submits that judgment was passed on 29.11.2025 and the application for certified copy was passed on 04.12.2025. Thereafter copy was received by the appellant on 11.02.2026. Thereafter in preparing the memo of appeal Ld. Advocate of Midnapore took some time and this is why delay is caused and ultimately the appeal is filed on 20.02.2026. In the mean time being advised by his Ld. Advocate he moved before the B.L. & L.R.O. and after long persuasion he could understand that he used to move before the District Court Jhargram for appeal.

According to him this delay is caused due to ignorance of the appellant and misguiding by the Ld. Advocate on record.

Ld. Advocate for the respondent raises objection.

Perused the case record. Considered.

It appears to me that appellant took total time in filing this appeal since after passing of judgement and decree is 2 months 22 days. From this period the time taken for making the copy ready was of one month twelve days. So, in my calculation there was approximate delay of forty days in preferring this appeal.

Considering the period of delay and the grounds thereof I am of the humble view that the appellant was prevented by sufficient reason in not preferring this

appeal and he should be provided with an opportunity to proceed with this appeal so as to settle their dispute at rest.

Hence, it is

O R D E R E D

that the application u/s 5 of the Limitation Act dated 20.02.2026 is allowed on contest without cost.

The delay in preferring this appeal is hereby condoned.

Let the Other Appeal be transferred to the 1st Court of Ld. Additional District Judge, Jhargram for disposal according to law.

Fix 03.08.2026 appearance before the transferee court.

Sd/-

Dictated & corrected

District Judge,
Jhargram

Sd/-

District Judge,
Jhargram