

Item-
33. 07-07-2026

sg Ct. 6

CO 2155 of 2026

Dipali Mondal
Versus
Rinku Bose

Mr. Rabi Kumar Sah
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the respondent in Title Appeal No. 58 of 2025 challenging the order dated 20th May, 2026 passed by the learned District Judge, South 24 Parganas at Alipore.

By the order impugned, the application filed under Section 5 of the Limitation Act was allowed subject to the payment of costs.

The learned Advocate appearing for the petitioner submits that the reasons for the delay in applying for the certified copy have not been explained in the application for praying for condonation of delay. However, after going through the application under Section 5 of the Limitation Act, this Court finds that it has been specifically stated that due to inadvertent mistake of the clerk of the learned Advocate, the certified copy of the judgment was not applied for within the stipulated time. The delay in preferring the appeal has been satisfactorily explained.

The learned Trial Judge, being satisfied with the reasons stated in the application under Section 5, condoned the delay.

This Court is not inclined to interfere with such exercise of discretion by the learned Judge of the Appellate

Court under Article 227 of the Constitution of India.

According, this civil revisional application stands dismissed. However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)