

D/L.11.
September 22, 2025.
MNS.

FAT No. 369 of 2025
+
CAN 1 of 2025

Smt. Mousumi Hajra nee Sabui
Vs.
Sri Manasij Hajra

Mrs. Mita Ghosh Das

... for the appellant.

Mr. Naba Kumar Das,
Mr. Parvez Mallick

...for the respondent.

Re : CAN 1 of 2025 (condonation of delay)

1. CAN 1 of 2025 is an application for condonation of delay in preferring the appeal.
2. As per the report of the Stamp Reporter, the delay is of about twenty-five days, although a different number of days has been mentioned in the application.
3. Be that as it may, we find from a careful perusal of the application, particularly in paragraph 5 thereof, that the appellant was handicapped in preferring the appeal due to the critical illness of her mother during the relevant period, as well as due to her meager financial means, which compelled her to approach the District Legal Services Authority to avail free legal aid in preferring the appeal.

4. Upon hearing the learned Advocate for the parties and taking into consideration the fact that sufficient explanation has been furnished for the delay in preferring the appeal, CAN 1 of 2025 is allowed, thereby condoning the delay in preferring FAT No. 369 of 2025.
5. There will be no order as to costs.
6. Learned counsel for the appellant, at this juncture, submits that a stay application has been filed only today, bearing CAN 2 of 2025, which is not yet before us.
7. However, learned counsel appearing for the respondent seeks to rely on certain documents to indicate that, in the meantime, the respondent-husband has contracted remarriage on July 31, 2025 after waiting for the statutory limitation period for preferring the appeal.
8. In such view of the matter, there is no scope of grant of any interim order of stay/injunction at this stage.
9. In any event, the High Court Legal Services Authority shall ensure that special messenger costs are put in within a week from date for bringing the trial court records. The trial court records shall be brought by special messenger accordingly.
10. In view of appearance on behalf of the respondent through counsel, service of notice of the appeal on the respondent is dispensed with.

11.The appellant, through the High Court Legal Services Authority, shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellant.

12.Liberty to the parties to mention the appeal for inclusion in the list for hearing as and when the same is made ready for hearing.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)