

17.05.2023

Ct. no.654
Sl. Nos.704
ss

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**S.A.T. 440 of 2016
CAN 1 of 2022**

**Smt. Parbati Sen (Samanta)
Versus
Sri Kalicharan Dutta & ors.**

Mr. Sudeep Pal Choudhuri
Mr. Dilip Kumar Sadhu
Ms. Diya Nandi

... for the appellant

Re : **CAN 1 of 2022**

Affidavit of service filed on behalf of the appellant is taken on record.

This is an application for condonation of delay in preferring the appeal.

As per report of the Stamp Reporter dated 4th October, 2010 there is delay of 652 days in preferring the appeal.

Mr. Sudeep Pal Choudhuri, learned Advocate for the plaintiff/appellant submits that the appellant is a senior citizen and suffering from various ailments due to which reason there has been delay in preferring the present appeal. He submits for condonation of such delay.

None appears on behalf of the respondents.

It is contended in the application for condonation of delay that due to old age and various ailments the

appellant could not take appropriate step. Further the learned Advocate on record engaged by the appellant-petitioner also fell sick. For the said reason there has been delay in preferring the appeal.

Cause shown is sufficient to condone such delay of 652 days in preferring the appeal.

Accordingly, the delay is condoned.

The application being **CAN 1 of 2022** stands disposed of.

Let the matter go out of list.

Let the matter be placed before the appropriate Division Bench having determination.

(Bivas Pattanayak, J.)