



IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CO/40/2026

Smti. Laxmi Biswas

Vs

Shri Shanti Rani Pathre and Another

Mr. K.M.B. Jayapal ... for the petitioner

July 13, 2026
[AKB]
Item No.10

This revisional application is directed against an order dated June 23, 2026 passed by the learned District Judge in Misc. Appeal No. 11 of 2026 whereby on an application for stay in a delayed appeal filed by the opposite party against an ex-parte decree, the execution case filed by the petitioner has been stayed without first disposing of the application for condonation of delay in preferring the appeal.

Mr. Jayapal, learned Advocate appearing for the petitioner *prima facie* appears to be justified in submitting that the learned appellate Court has committed a jurisdictional error in staying the execution case without first disposing of the opposite parties' application for condonation of delay under Section 5 of the Limitation Act.

The petitioner shall serve a copy of the revisional application along with notice on the opposite parties intimating the opposite party that the matter shall be listed next as New Motion before the next available Circuit Bench beginning July 27, 2026.



The petitioner is directed to file affidavit-of-service in the
meantime.

(Om Narayan Rai, J.)