

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

FAT/10/2025
IA No. CAN/1/2025

Dr. Ritesh Mondal

Vs

Dr. Chhanda Mandal

Mr. Prohit Mohal Lall ... for the appellant

Mr. Arul Pasant ... for the respondent

December 16, 2025
[AKB]
Item No.11

In Re: CAN/1/2025 (Condonation of delay)

This is an application for condonation of the delay of about 55 days in preferring the instant appeal.

The certified copy of the impugned judgement delivered on March 20, 2025 in the matrimonial suit was applied for on March 25, 2025; requisites were notified on April 01, 2025; requisites were put in on April 01, 2025 and the copy was made ready for delivery on April 02, 2025 and the certified copy was made over to the petitioner on April 02, 2025. However, the certified copy of the decree was applied on June 30, 2025 and the certified copy of the decree was made over to the petitioner on July 04, 2025.

The petitioner states that the petitioner was suffering from illness and in the supplementary affidavit several medical documents have been annexed in support of such ailments.

It appears from the documents annexed to the supplementary affidavit that the petitioner was under medical

treatment on and from April 12, 2025 till the September 22, 2025. The instant appeal was filed on August 20, 2025.

The learned advocate appearing for the respondent vehemently opposes the prayer for condonation delay. He submits that the petitioner failed to satisfy that he was prevented by sufficient cause for not preferring the appeal within a prescribed period of limitation.

Considering the fact that the instant appeal arises out of a matrimonial suit and the delay in preferring the appeal is not an inordinate one and also that the petitioner was under medical treatment for a considerable period, this Court is inclined to exercise discretion in favour of the appellant.

The delay in preferring the appeal is hereby condoned.

CAN/1/2025 stands allowed.

Department is directed to formally register the instant appeal.

In Re FAT/10/2025:

Since the respondent is represented by its learned advocate and the Vakalatnama has been filed by such learned advocate, the appeal is treated to be ready as regards service by appearance.

Let the Trial Court Records be call for by Special messenger at the cost of the appellant to be put in within a week from date. After arrival of the Trial Court Records the department concerned shall examine the records and report as to whether the Trial Court Records are complete in all respects. The notice of arrival of Trial Court Record shall be served upon

the learned advocate on record of the appellant. The appellant shall prepare the requisite number of informal typewritten or cyclostyle paper books and file the same in the department within a period of eight weeks from the date of service of the notice of arrival of the Trial Court Records. After the appeal is made ready for hearing, the parties will be at liberty to mention the appeal for enlistment in the list under the heading 'For Hearing'.

[Hiranmay Bhattacharyya]

[Shampa Dutt (Paul), J.]