

MC 127/2010  
BEFORE  
HON'BLE MR JUSTICE A. K. GOSWAMI

Perused the office note dated 26.09.2012, which demonstrates that service is complete.

None appears for the respondent.

Heard Mr. S. K. Goswami, learned counsel for the petitioner.

This is an application under Section 5 of the Limitation Act for condonation of delay of 96 days in preferring the connected appeal.

The explanation for the delay is sought to be explained in paragraph 3 of the application. Amongst others, it is stated that the certified copy of the judgment along with a legal opinion of the conducting counsel was received by the Divisional Office at Bongaigaon on 12.03.2009 and the same was received by the Regional Office on 14.05.2009. One more opinion was obtained regarding advisability or otherwise of preferring an appeal which was also obtained on 28.05.2009. It is stated that there was some lapses on the part of the dealing assistant in not putting up the file immediately and the same was only put up on 03.07.2009. The competent authority had decided to prefer the appeal on 21.07.2009 and thereafter, brief was delivered to the counsel, who preferred the appeal on 13.08.2009.

After hearing Mr. S. K. Goswami, learned counsel for the petitioner and on consideration of the materials on record, this Court is of the considered opinion that the appellant has been able to show sufficient cause for not preferring the appeal within the period of limitation.

Taking that view, this application for condonation

of delay is allowed.

Delay stands condoned.

Miscellaneous case stands disposed of.