

Party Name : KALPA RN. CHAKMA Vs PRIYA LAL BANIK & ANOTHER

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. Suman Bhattacharji, learned counsel appearing for the appellant-applicant as well as Mr. A. Das, learned counsel appearing for the respondent No.1 and Mr. S.D. Choudhury, learned counsel appearing for the respondent No.2. This petition filed under Section 5 of the Limitation Act, 1963 for condoning the delay of 162 days in preferring the petition for restoration of CM. Appl. No. 250 of 2012 arising out of MAC Appl. 41 of 2012 which was dismissed for non-prosecution by the order dated 23.11.2012. Mr. Suman Bhattacharji, learned counsel appearing for the appellant-applicant has submitted that the causes for such delay have been explained in the paragraphs No-2,3,4 5 of the petition. He further submits that the delay so occurred is entirely unintentional. Mr. A. Das, learned counsel appearing for the respondent No.1 and Mr. S.D. Choudhury, learned counsel appearing for the respondent No.2 in their usual fairness do not oppose the prayer for condoning the delay of 162 days. Situated thus and on consideration of all the aspects as surfaced, this Court finds that the causes for the delay of 162 days as assigned by the appellant-applicants constitute the sufficient cause for condoning the delay. Accordingly, the delay is condoned and as corollary thereto, this petition stands allowed. The CM. application is disposed of.