

Heard Mr.UK Das, learned counsel for the applicant as well as Mr. SR Gogoi, learned counsel for the opposite party.

This is an application under Section 5 of the Limitation Act praying for 42 days delay in preferring appeal against the Judgment dated 12.4.2013 passed by the learned Additional District Judge, Nagaon in Title Suit (P) No.35 of 2006 . In para-4 of the application, the applicant states that she is a poor lady having meager income as an LICI agent.

The petitioner approached counsel on 13.7.2013 but she could not produce all the papers on that day. Subsequently, she fell ill on 15.7.2013 and only after recovery from the illness she visited her counsel and furnished papers. The learned counsel thereafter prepared the appeal and presented the same along with this application for condonation of delay. Copies of two medical certificates have also been annexed to the application in support of the illness of the applicant. No affidavit-in opposition on behalf of the opposite party has been filed . Rather Mr. SR Gogoi, learned counsel for the opposite party in his usual fairness has not objected to the prayer for condonation of delay.

Having heard the learned counsel for the parties and on perusal of the materials in the record, this court feels that it is a fit case to condone delay of 42 days.

Accordingly, delay is condoned.

Misc. case is allowed.