

Party Name : GUPTA SADHAN PAUL Vs SHYAMAL RUDRA PAUL & ANR

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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Heard.

There is a delay of 567 days in filing the appeal.

The applicant may be justified in claiming that he was not aware about the award and came to know about the award only when he received notice of recovery. After receiving the notice for recovery he filed a review petition and the same was dismissed on 22.11.2014.

In a case of this nature it would be expected that the petitioner would come to Court within 15-20 days of such order being passed dismissing his review petition. By this time he was represented by a counsel and knew that his appeal was already time barred and he still took more than 6 months to file the appeal. The only redeeming circumstance is that according to the petitioner, in other cases arising out of the same accident the insurance company has been held liable. Therefore, I allow the application for condonation of delay subject to payment of Rs.3,000/- as costs. The Costs to be paid to the Bar Council of Tripura which shall be kept in a separate account meant for the welfare of the lawyers only.

Costs be deposited within 2(two) months.

CM application is disposed of.