

Party Name : KALI KINKAR CHAKRABORTY Vs SAMIR CHAKARABORTY & ORS

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THE HONBLE MR. JUSTICE S.C.DAS

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By filing this petition under Section 5 of the Limitation Act, the petitioner prayed for condonation of delay of 1377 days in filing appropriate petition for setting aside abatement and for substitution of regal representatives of deceased Parimal Chakraborty in the connected RFA No. 8 of 2006.

Heard learned counsel Mr. G.S. Bhattacharjee for the appellant-petitioner and learned counsel Mr. P. Chakraborty for the respondent-O.P. No.1.

Mr. Bhattacharjee learned counsel for the appellant-petitioner submits that the respondent-O.P.No.4 Parimal Chakraborty has died on 01.07.2011 but it was not within the knowledge of the appellant-petitioner. When it was brought to the notice of the Court by learned counsel Mr. P. Chakraborty for the respondent-O.P. No.1, the appellant-petitioner first came to know about the death of respondent No.4, Parimal Chakraborty and therefore, delay in taking steps was unintentional.

Learned counsel Mr. P. Chakraborty for the respondent-O.P. No.1 has no objection if the delay is condoned.

In view of the submission made by learned counsel of both side and considering the facts and circumstances, the prayer for condonation of delay as well as for setting aside abatement is allowed.

CM application accordingly stands disposed of.