

Dd 01 04.12.2024

FMA/3576/2013
With
IA NO: CAN/1/2024, CAN/2/2024,
CAN/3/2024

SUDIPTA SARKAR
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Golam Mustafa,
Mr. Subir Sabud, Advocates
... .. For the Appellant

1. CAN 2 of 2024 is an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay in making and filing CAN 3 of 2024.
2. Appeal was dismissed for non-prosecution on February 24, 2016.
3. Appellant in the application under Section 5 of the Limitation Act, 1963 seeks to explain the delay by claiming that the appellant came to learn about the order of dismissal only in 2024 and that too from the clerk of the erstwhile advocate.
4. Appellant did not furnish any particulars as to the exact date on which the appellant came to learn of the order of dismissal. Be that as it may, there is no explanation as to the steps that the appellant took between February 24, 2016 on the date of alleged knowledge of the order of dismissal of default.
5. A period of 8 years elapsed from the date of order of dismissal for non-compliance till the date of making and filing the two applications.

6. Although Courts are lenient in condoning delay, there must, however, be sufficient explanation for the condonation of delay.
7. In the facts of the present case, we are unable to find any material in favour of the appellant so as to take a lenient view on the subject.
8. Consequently, CAN 2 of 2024 and CAN 3 of 2024 are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)