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SK
Ct. No. 18
20.04.2021

(Via Video Conference)
C.O. No. 914 of 2021

Sk. Golam Lalchand
Vs.
Raihan Mullick

Mr. Kushal Chatterjee,
Mr. Debabrata Roy ... For the petitioner.

The suit filed by the petitioner for eviction of the opposite party from the suit property was decreed. The appeal against the said decree filed by the opposite party was delayed by 57 days.

The appeal Court below by the order impugned has condoned the said delay.

Mr. Kushal Chatterjee, learned counsel appearing on behalf of the petitioner submits that the delay in filing the said appeal was of 133 days not 57 days as recorded by the appeal Court below in the order impugned.

The condonation of the delay in filing the said appeal was prayed on the ground of sickness of the appellant. The appeal Court below considering the length of the delay without insisting upon strict proof of the said ground condoned the delay in exercise of his discretion.

This Court does not find that the appeal Court has exercised his such discretion in an arbitrary manner, warranting interference.

The order impugned therefore does not call for any interference.

C.O. 914 of 2021 is dismissed without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)