

16.
27.04.2021
S.D.

CAN 1 of 2017 (Old CAN 1668 of 2017)
with
CAN 4 of 2020
in
R.V.W. 32 of 2017
Seikh Sahidul & Ors.
Vs.
Surabuddin Sheikh & Ors.
in
S.A. 146 of 2016
With
CAN 2 of 2018 (Old CAN No. 2122 of 2018)
(Disposed of)
CAN 3 of 2018 (Old CAN No. 2123 of 2018)
(Disposed of)

Mr. Haradhan Banerjee
Mr. Amitava Pain

...For the Appellants/Petitioners.

Mr. Partha Pratim Roy

...For the Respondents.

In re: **CAN 1 of 2017 (Old CAN 1668 of 2017)**

At the outset, Mr. Roy, learned Advocate for the respondents submits that he has no objection in the matter of condonation of delay of 10 days.

A copy of the application under Section 5 of the Limitation Act has been served on learned Advocate for the respondents in compliance of this Court's order in view of endorsement on the letter of the Advocate dated 5.3.2021

annexed to the affidavit of service and in response thereto, learned Advocate for the respondents appeared through video conference.

Accordingly, the affidavit of service be placed on record treating the service as complete.

Heard learned Advocate for the parties.

In this application under Section 5 of the Limitation Act, condonation of delay of 10 days has been sought in preferring the memorandum of review. It is pointed out by learned Advocate for the review petitioner that the clerk of learned Advocate for the appellants had applied for certified copy of the judgment and order dated 22.8.2016 passed in Appeal which was supplied on 6.2.2017, but the learned Advocate for the petitioner was suffering from ailments and for that, he could not prepare memorandum of appeal of the review within time. So, there has been delay of 10 days.

Upon hearing learned Advocate for the parties and in consideration of the delay of 10 days in preferring the review application and having regard to the explanations offered in the application as stated, the delay of 10 days in preferring the review application is considered and allowed by condoning the delay.

Thus, the application being CAN 1 of 2017 (Old CAN 1668 of 2017) is disposed of, but without any order as to costs.

Let the review application being R.V.W. 32 of 2017 be treated as admitted and be fixed for hearing together with application being CAN 4 of 2020 one week after Summer Vacation

Parties are at liberty to exchange their affidavits in the meantime.

(Shivakant Prasad, J.)