

30 12.4.2022
Sc Ct. no.8

FAT 115 OF 2021
with
I.A. No. CAN 1 OF 2021

Sri Sujit Kumar Nandan @ Sujit Nandan

Vs.

Sri Shyamal Kumar Nandan & Anr.

Mr. Nonigopal Chakraborty
Mr. Debnath Mahata.

...For the Appellant/
Applicant

There is a delay of 2592 days in preferring the appeal. The explanations offered for the delay are fake and unsatisfactory. The appellant has failed to satisfy the sufficient cause test as he was all along aware of the said decree and had participated in the proceeding before the partition commissioner. He had also contested the proceeding before the trial court. In such circumstances, the application for condonation of delay being I.A. No. CAN 1 OF 2021 stands dismissed.

Consequently the appeal is also dismissed as time barred.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)