

13.07.2023.
Item No. 3.
Court No. 13
ap

M.A.T. No. 664 of 2023
With
I.A. No. CAN 1 of 2023
And
I.A. No. CAN 2 of 2023
And
I.A. No. CAN 3 of 2023

Ashraful Hoque
Versus
National Consumers Co-operative Store Ltd. & Ors.

Mr. Sagar Bandopadhyay,
Mr. Sankha Biswas.

...For the Appellant.

Mr. Abhratosh Majumdar, Id. Sr. Advocate,
Mr. Puspall Chakraborty,
Mr. Arkadip Sengupta.

...For the Respondent No.1.

Mr. Sirsanya Bandopadhyay,
Mr. Arka Kumar Nag.

...For the State.

Re: CAN 1 of 2023 (Sec.5)

1. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 298 days in filing the instant appeal.
2. Having heard the learned Advocates appearing on behalf of the respective parties, as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 298 days in preferring the instant appeal.
3. The application for condonation of delay being CAN 1 of 2023 is, thus, allowed and disposed of.

4. There will, however, be no order as to costs.

Re: CAN 2 of 2023
MAT 664 of 2023

1. Counsel for the appellant, on instructions, submits that his client does not wish to press CAN 2 of 2023 being application for leave to appeal any further.

2. In view of the aforesaid submissions, CAN 2 of 2023 and MAT 664 of 2023 shall stand dismissed as not pressed.

3. Interim order, if any, shall stand vacated.

4. In view of dismissal of the appeal itself, the connected applications being CAN 3 of 2023 is dismissed.

5. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)