

27.02.2024
Sl. No.8(DL)
srm

C.O. No. 3273 of 2023

Sri Mantu Chowdhury & Ors.

Versus

Sri Sunil Kumar Chowdhury & Ors.

Mr. Shiba Prosad Bhattacharjee

...for the Petitioners.

Mr. Sounak Bhattacharya,

Mr. Sounak Mandal

...for the Opposite Parties.

1. The petitioners have challenged an order dated July 10, 2023 passed by the learned Additional District Judge, 1st Court at Barrackpore, North 24-Parganas, in Title Appeal No.04 of 2023.
2. By the order impugned, the learned court allowed an application for condonation of delay in filing the title appeal upon payment of cost of Rs.6,000/-. There was a delay of 405 days in filing the appeal. However, the court was of the view that the petitioner should be allowed to contest the appeal but upon payment of cost on account of the suffering caused to the decree-holders.
3. Under such circumstances, the learned court was of the view that the petitioners should be given an

opportunity to contest the decree and allowed the prayer for condonation upon imposition of cost.

4. It is not correct that the court had come to a specific finding with regard to the causes shown. Rather, the court had taken a lenient view that a person aggrieved by a decree ought to be allowed an opportunity to challenge the decree, even if there had been delay in preferring the appeal. Thus, the compensation by way of cost to the decree-holders was allowed.
5. I do not find any reason to interfere with the order impugned. However, the cost of Rs.6,000/- be reduced to Rs.4,000/-.
6. If the cost is paid within a period of two weeks from date, the appeal shall be registered and court shall proceed in accordance with law. In case of default, the appeal will not be heard.
7. Accordingly, the revisional application is disposed of.
8. There shall be no order as to costs.
9. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)