

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Uday Kumar

FAT 242 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025
with
CAN 3 of 2025

Sri Sankar Narayan Deu and Ors.
Vs.
Srimati Pushpa Mahato and Ors.

For the appellants	:	Mr. Satrajit Sinha, Mr. Supriyo Ghosh, Advs.
For respondent nos. 1 (ka) to 1 (ja)	:	Mr. Aritra Roy Chowdhury, Mr. Ritwik Pattanayak, Advs.
Heard on	:	October 28, 2025.
Judgment on	:	October 28, 2025.

Sabyasachi Bhattacharyya, J.:

1. Affidavit of service filed today be kept on record.
2. In view of sufficient explanation for the absence of the appellants on the relevant date having been made out, CAN 3 of 2025 is allowed, thereby recalling the order dated September 10, 2025 and restoring FAT 242 of 2025 along with CAN 1 of 2025 and CAN 2 of 2025 to their original file and number.
3. The appeal has been filed with a delay of about 382 days.
4. We find from the application for condonation of delay that there is no explanation given for a substantial period of the delay.
5. The impugned judgment was passed on December 22, 2022. The certified copies of the judgment and decree were applied for duly on the very next date i.e. on December 23, 2022. The date of notifying the requisite stamps was February 3, 2024, which were deposited on February 5, 2024 and the certified copies were made ready for delivery on February 6, 2024.
6. Thus, from the certified copy of the impugned judgment annexed to the memorandum, we find that the limitation period for filing the appeal expired in the early part of the month of May, 2024, even taking into account the time spent in

obtaining certified copies, whereas the appeal has been presented before this court only on May 23, 2025 i.e. more than one year after the expiry of the limitation period. The ground sought to be furnished in the condonation application is the fracture of a bone and consequential treatment of one of the petitioners in the month of August, 2024.

7. However, we do not find within the four corners of the application any explanation as to why the other four petitioners could not prefer the appeal in time.
8. Even with regard to the petitioner who had suffered from the fracture, there is no explanation whatsoever for the inaction of the appellants/petitioners for a substantial period between May, 2024 and August, 2024 and thereafter, from November, 2024, till filing of the appeal in May, 2025.
9. It is well-settled that the quality of the explanation is germane for consideration of the applications for condonation of delay in preferring the appeals, although the period of time elapsed may not be so important. Even going by such principle, we do not find any explanation whatever for the substantial period of the delay in preferring the appeal.

10. Accordingly, CAN 1 of 2025 is dismissed on contest without any order as to costs.
11. Consequentially, FAT 242 of 2025 is dismissed as time-barred.
12. CAN 2 of 2025, as a result, also stands disposed of without any order as to costs.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)

AD-43
Ct No.10
28.10.2025
(SSS)