

Court No. 6
(265719)

08.07.2025
(AD 32)
(S. Banerjee)

CO 2087 of 2025

Mita Saha
Vs.
The Chairman, GD Birla Memorial, Foundation Birla
Building & Ors.

Mr. Ajitesh Pandey
Mr. Zubeen Pandey

...for the petitioner

Mr. Kaushik Banerjee
Ms. Rashmita Sen
Ms. Sharmistha Saha

...for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the workman and is directed against an order being no. 6 dated April 22, 2025 passed by the learned Chief Judge at the Presidency Small Causes Court at Calcutta in W.B.S.E.A. 3 of 2025. By the order impugned the application under Section 5 of the Limitation Act, stood allowed.

The learned advocate appearing for the petitioner submits that the petitioner failed to explain the delay satisfactorily in the application under Section 5 of the Limitation Act. He further submits that the length of delay is not material but what is material is the sufficiency of the cause.

Heard learned advocates for the opposite parties on such submission.

After going through the order impugned this court finds that the learned Chief Judge, Presidency Small Causes Court at Calcutta, after considering the materials on record arrived at a factual finding that there is nothing to show that there was total inaction on the part of the appellant/opposite party herein. This court further finds that the learned Chief Judge, Presidency Small Causes Court at Calcutta took note of the well settled propositions of law laid down by the Hon'ble Supreme Court in the case of *Collector, Land Acquisition Anantnag and Anr. -Vs.- Ms. Katiji & Ors.*, reported in (1987) 2 SCC 107 and allowed the application under Section 5 of the Limitation Act. The learned Chief Judge, Presidency Small Causes Court at Calcutta has assigned cogent reasons in support of the ultimate conclusion.

For such reason, this court is not inclined to interfere with such order.

At this stage learned advocate appearing for the petitioner prays that a direction be passed upon the learned Chief Judge, Presidency Small Causes Court at Calcutta to dispose of the appeal expeditiously.

In the light of the submission made by the learned advocate appearing for the petitioner, CO 2087 of 2025 stands disposed of without interfering with the order impugned but requesting the learned Chief Judge, Presidency Small Causes Court at Calcutta to make an endeavour to dispose of the application for stay as expeditiously as possible after giving adequate opportunity of hearing to the respective parties. After disposal of the said application, the learned Chief Judge, Presidency Small Causes Court at Calcutta is requested to make an endeavour to dispose of the appeal as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)