

15.09.2025
SL No.14
Court No.16
(gc)

SAT 148 of 2025
CAN 1 of 2025

Ramesh Sharma
Vs.
Ram Prabesh Sharma

Mr. Kushal Chatterjee,
Mr. Oishik Chatterjee
...for the Appellant.
Mr. Asit Baran Raut,
Mr. Tuhin Subhra Raut
...for the Respondent.

1. We have heard the learned Counsel for the parties.
2. There is a delay of 50 days in preferring the appeal before the First Appellate Court. We feel that the appeal should have been heard on merits in spite of dismissing the appeal on the ground of limitation. There is no laches on the part of the appellant during trial of the suit taking into consideration the conditions he had in preferring the appeal. We condone the delay and set aside the order impugned.
3. We request the learned Additional District Judge, 2nd Court, Serampore to hear and dispose of the appeal on merits as expeditiously as possible.
4. The certified copy of the impugned judgment shall be filed in course of the day.

5. Accordingly, the appeal and the application are disposed of.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)