

25.11.2025
Item No.23
Ct. No.1
Saikat
Mukherjee

MAT/1721/2023
with
IA NO: CAN/1/2023
with
IA NO: CAN/2/2023

GOURPADA MONDAL
VS.
PURUSHOTTAM MONDAL AND ORS.

Mr. Sajal Bhattacharya, Adv.
Ms. Purabi Saha Das, Adv.

...For the Appellants

Mr. Saibal Acharya, Adv.
Mr. Pradip Paul, Adv.

...For the Writ Petitioner/
Respondent No.1

Ms. Renesa Dey, Adv.

...For the Respondent No.7

Per, Partha Sarathi Sen, J.:-

1. Parties are represented through their respective counsels.

In Re: CAN 2 of 2023

2. This application for condonation of delay of 282 days is taken up. The singular reason advanced during argument is based on Para-5 and 6 of the application. It is submitted that the applicant was seriously ill between 2015 till date and needs a spinal disc surgery. After that averment, in Para-6 it is submitted that the applicant came out of the ailment because of little recovery in July, 2023 and handed over the file to some counsel. Thus, the averments of Para-5 and 6 are mutually inconsistent and contradictory in nature. The enormous delay, in our opinion, is not properly explained.

3. Thus, IA cannot be allowed.
4. The application is, accordingly, dismissed.

In Re: MAT 1721 of 2023

5. The dismissal of this application will automatically result into dismissal of appeal but it is interesting to note what is under challenge is a consent order dated 21st November, 2022. The learned counsel for the appellant could not point out any pleading that no consent was given.
6. Thus, no case is made out even otherwise for interference.
7. Accordingly, the appeal also stands dismissed.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)