

AD- 44
Ct No.16
16.04.2025
(SSS)

SAT 193 of 2024
with
CAN 1 of 2025
With
CAN 2 of 2025

Sujit Kumar Khan
Vs.
Susanta Kumar Khan

Mr. Mukteswar Maity,
Ms. Manika Sarkar
...For the Appellant.

Mr. Mrinal Kanti Ghosh,
Mr. Sounak Bhattacharya,
Mr. Saunak Mandal
.....For the Respondent.

1. The delay in preferring the appeal is of about 625 days.
2. A supplementary affidavit filed today be kept on record upon leave being granted to the appellant to file the same.
3. In the original condonation application, certain medical certificates by one Dr. B. C. Mukherjee, D.H.M.S. (Kol) and I.A.M.S. (B.I.A.M) were furnished indicating merely that the petitioner had breathing problems from time to time.
4. In the supplementary affidavit, the prescriptions of a different alleged medical practitioner, being one Dr. S. D. Saha, A.M.C. (Retd.),

havin Government Registration No. 2305, have been annexed. The said documents merely go on to show that the appellant/petitioner suffered from Asthma and Amoebic Dysentery from time to time.

5. However, the huge delay of 625 days has not all been explained, since there is nothing on record to show such serious ailment of the appellant which made it impossible for him to contact his advocate over the prolonged period of 625 days to prefer the appeal.

6. Accordingly, we are not satisfied as to the sufficiency of the reasons for the inordinately long delay in preferring the appeal. Thus, even taking a liberal approach, we cannot extend the benefit of doubt to the appellant to such an extent that the provisions of the Limitation Act would be rendered nugatory.

7. Moreover, the grounds taken in the application for condonation of delay do not appear to be bona fide from the very nature of the ailments pleaded. We also have to keep in mind that valuable rights have accrued in favour of the respondent in the meantime.

8. Keeping on balance all the above considerations, we are not inclined to condone the delay in preferring the appeal.

9. Accordingly, CAN 1 of 2025 is dismissed on contest without any order as to costs.

10. Consequentially, SAT 193 of 2024 is dismissed as time barred. CAN 2 of 2025, filed in connection with the appeal, is thus dismissed as well.

11. No order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)