

28.04.2025.
Item No. 15
Court No. 13
pk

**M.A.T. No. 1956 of 2023
CAN 1 of 2024
Jibonnesha Khatun
Versus
State of West Bengal & Ors.**

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Payel Shome

....For the appellant.

Mr. Naba Kumar Das,
Mr. Subhabrata Das.

...For the State.

Re :CAN 1 of 2024

1. Affidavit of service filed in Court is taken on record.
2. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 153 days in preferring the appeal. The explanation given in paragraph 3 that the petitioner is not aware of the law of limitation and that she was facing extreme financial hardship and unable to pay court fees, cannot be accepted.
3. The Civil Procedure Code provides for exceptions for payment of court fees in the case of a poor and indigent persons and the High Court Legal Services Authority extends free legal services. The appellant should have taken such advice of the Legal Services Authority at the High Court or at the District level. Ignorance of law is not an excuse that can be entertained by the Court.
4. In those circumstances, the delay in filing the instant appeal is not condoned.

5. Accordingly, CAN 1 of 2024 is dismissed.
6. Consequently MAT 1956 of 2023 is also dismissed.
7. In view of dismissal of the appeal itself, connected pending application, if any, is also dismissed.
8. There will be, however, no order as to costs.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)