

18.11.2025
Item No.51
BR

CO 3711 of 2024

Sona Saha and another
-vs-
The Authorise Officer , Canara Bank and
Ors.

Mr. Tapas Kumar Dey ,
Mr. Rakesh Roy

.... For the petitioner

1. Affidavit of service filed be kept with the record.
2. The revisional application has been preferred being aggrieved by an order dated 25.7.2024 passed by the learned Debt Recovery Appellate Tribunal, Kolkata in **Appl. Dy No. 40 of 2024.**
3. In spite of due service the opposite party has failed to appear to contest the case.
4. Learned counsel for the petitioner submits that the present civil revisional application has been preferred on the basis of leave granted by a coordinate Bench of this Court vide an order dated 23rd September, 2024, passed in WPA 20445 of 2024.
5. The Debt Recovery Appellate Tribunal vide the impugned order

was pleased to reject the application under Section 5 of the Limitation Act being not satisfied with the grounds as made out.

6. This Court relying upon the judgments of the Hon'ble Supreme Court in ***Esha Bhattacharjee vs Managing Committee of Raghunathpur Nafar Academy & Ors. in Civil Appeal Nos. 8183-8184 of 2013, decided on September 13, 2013,*** and ***Pathapati Subba Reddy (Died) by L.Rs. & Ors. vs The Special Deputy Collector (LA), in Special Leave Petition (Civil) No. 31248 of 2018, decided on April 8, 2024,*** keeping in mind the guidelines laid down by the Court and in the interest of justice condones the delay in preferring the appeal.
7. The application under Section 5 of the Limitation Act is accordingly allowed with costs of Rs. 10,000/- to be paid to the State Legal Services Authority. The file in **Appl. Dy No. 40 of 2024** be restored to its file and number before the tribunal.
8. Learned Appellate Tribunal shall proceed to dispose of the appeal in accordance with law.

9. CO 3711 of 2024 stands disposed of.

10. Parties to act on the server copy of this order.

(Shampa Dutt (Paul), J.)