

D/L.33.
October 28, 2025.
MNS.

FAT No. 422 of 2023
+
CAN 1 of 2025

Devendra Kumar Prajapati
Vs.
Mrs. Rita Ghosh

Re: CAN 1 of 2025 (condonation)

1. We find from the order sheet that on July 8, 2025, the matter was adjourned on the prayer of the appellant. Thereafter, on August 4, 2025, when the matter was called on by a co-ordinate Bench, the appellant was not represented, nor any accommodation was prayed for on behalf of the appellant.
2. However, the co-ordinate Bench directed the appellant to serve copy of the application for condonation of delay, along with a copy of the Memorandum of Appeal, on the respondent by Speed Post with Acknowledgment Due within a week from that date and in the event the respondent was not represented on the adjourned date in spite of service, the application for condonation of delay, it was observed, would be heard in the absence of the respondent. The appellant was also to file an affidavit-of-service on the adjourned date. The plaintiff was directed further to file a compilation of pleadings and

documents filed before the learned trial Judge upon prior service to the respondent.

3. However, even today, none appears for the appellant to move the application, nor is there anything before the court to establish compliance of the earlier directions of the coordinate Bench on the part of the appellant.
4. Accordingly, the application for condonation of delay, being CAN 1 of 2025, is dismissed for default.
5. Consequentially, FAT No. 422 of 2023 is dismissed as time-barred.
6. There will be no order as to costs.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)