

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APOT/219/2025
IA NO: GA/1/2025, GA/2/2025

IN THE GOODS OF:
SUNIL KUMAR ROY, DECEASED
-AND-
IN THE MATTER OF:
GITA ROY AND ANR
VS
MINA DAS

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
AND
The Hon'ble JUSTICE MD. SHABBAR RASHIDI
Date : December 18, 2025.

Appearance:
Mr. Abhishek Dutt, Adv.
...for the appellant.

The Court: IA No. GA/1/2025 is an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 228 days in making and filing the appeal.

Delay is sought to be explained on the time taken by the learned Advocate for the appellant in making and filing the appeal.

On the principle that, the laches, if any, of the Advocate should not prejudice the litigant, we condone the delay of 228 days in making and filing the appeal.

GA/1/2025 is allowed.

Learned Advocate for the appellant submits that, in the event, the points taken in the appeal are kept open to be agitated before the learned Single Judge, then the appellant will not press the appeal.

By the impugned order, the learned Single Judge directed examination of the disputed documents.

Legality, validity and sufficiency of the evidence sought to be relied upon by the parties at the trial are kept open.

APOT/219/2025 along with all pending applications are disposed of, without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)