

D/L.1.
June 23, 2026.
MNS.

SAT No. 155 of 2023
+
CAN 1 of 2024
+
CAN 2 of 2026

Sri Kartick Ghosh
Vs.
Sri Ganesh Ghosh

Mr. Atindra Nath Misra,
Mr. Tamal Mondal, Advs.

...for the appellant.

Mr. Mrinal Kanti Ghosh

...for the respondent.

Re: CAN 2 of 2026 (condonation of delay)

1. The affidavit-of-service filed in Court today be kept on record.
2. The delay is of about 405 days. The meagre explanation sought to be given in the condonation application is that the appellant instructed his Advocate's clerk to get a certified copy of the impugned judgment, but it was not applied for by the clerk in time.
3. However, from the four corners of the application, we do not find mention of any date on which the appellant instructed the clerk of his learned Advocate to apply for the certified copy, nor do we find anything to indicate as to when the appellant first learnt about the impugned judgment.

4. Moreover, it is not credible that even after instructing the clerk of an Advocate to apply for a certified copy, the appellant sat tight for over a year despite such certified copy having not been handed over.
5. The appellant has not explained the reason for such prolonged delay in enquiring about the certified copy during the interregnum.
6. As such, we find no sufficient reason being furnished for the delay in preferring SAT No. 155 of 2023.
7. Accordingly, CAN 2 of 2026 is dismissed on contest without any order as to costs.
8. Consequentially, SAT No. 155 of 2023 is dismissed as time-barred.
9. CAN 1 of 2024 is disposed of consequentially as well.
10. There will be no order as to costs.

(Supratim Bhattacharya, J.) (Sabyasachi Bhattacharyya, J.)