

18.03.2026

Item no. DL 14
Court No. 16

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Case No.

FAT 550 of 2025
with
CAN 1 of 2025
CAN 2 of 2025

In the matter of :

SMT. MOUSUMI GHOSH (BERA)

...Appellant

VS.

SRI PRASAD GHOSH

...Respondent

For the Appellant :

Mr. Siva Prosad Ghose

Mr. Sujit Sahoo

....Advocates

For the Respondent :

Mr. Somnath Roy Chowdhury

Mr. Ayan Basu

Mr. Anik Das

....Advocates

1. In the order dated March 5, 2026, the date of the order was erroneously mentioned as “March 5, 2025”.
2. Let such error be deemed to stand corrected by reading “March 5, 2026” instead of “March 5, 2025” in the said order.
3. Affidavit of service filed in Court today be taken on record.
4. The present appeal has been filed after a delay of about 105 days.

5. Learned counsel appearing for the appellant/wife submits that although the contested decree was passed on May 8, 2025, an application for certified copies of the judgment and decree was made on May 19, 2025, i.e., well within time, which were obtained on June 3, 2025, the petitioner was ignorant about legal affairs and did not know about the necessity to file an appeal within a statutory period. More importantly, it has been pleaded that the appellant/petitioner became “disgruntled” after knowing the fate of the matrimonial suit despite having performing her marital obligations and domestic duties all along dutifully and was under severe mental stress, for which the appeal could not be filed within time.
6. Upon hearing learned counsel for the parties, we find that no explanation worth the name has been furnished for the delay of about 105 days in preferring the appeal.
7. It is well-settled that the ground of mere ignorance of law of the litigant is not a good ground in respect of condonation applications.
8. Insofar as the allegation of the appellant/wife being under severe stress is concerned, we are also unable to accept such explanation. There is no cogent reason whatsoever made out in the

application as to why the appellant, all on a sudden after passing of a contested decree and having applied for the certified copies of the same duly, came under such severe mental stress that she could not contact a learned advocate for preferring an appeal.

9. The appellant/wife must have known from the very inception of the suit, when a copy of the plaint was served on her, about the nature of the allegations made against her. Even thereafter, the defendant/appellant/wife contested the suit fully by filing a written statement, thereby controverting the allegations made in the plaint, and also underwent the rigmarole of evidence being adduced in the matrimonial suit. We notice that the appellant / wife also participated in the evidence and as such, throughout the said period, was exposed to the nature of the allegations and the trauma which a person might suffer due to the pendency of a matrimonial proceeding, particularly during deposition and cross-examination, where uncomfortable questions may be put to the witness.

10. No particular explanation as to what occurred all on a sudden or what change of circumstance happened after the passing of the decree so as to increase the decibel level of shock to such an

extent that the appellant was crippled from contacting her advocate is set forth in the application before us.

11. It is also well-settled that more than the period of delay (although inordinate delay is generally not condoned), the quality of the reason furnished for the delay is to be assessed by Courts while considering applications for condonation of delay. Since the appellant miserably fails to convince us on the sufficiency of the reasons, as discussed above, we are unable to condone the delay in preferring the appeal.

12. Thus, CAN 2 of 2025 is dismissed on contest.

13. Consequentially, FAT 550 of 2025 is dismissed as time-barred.

14. CAN 1 of 2025 is accordingly disposed of as well.

15. There shall be no order as to costs.

16. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties expeditiously upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)