

D/L.9.
February 23, 2026.
MNS.

FMAT No. 499 of 2025

+

CAN 1 of 2025

+

CAN 2 of 2025

Smt. Sweta Kumar and another
Vs.
Sri Suresh Kumar Singh and others

Mr. Arindam Kundu

... for the appellants.

Mr. Amitabha Ghosh

...for the respondent nos. 1,2,3 and 7-11.

1. The affidavit-of-service filed in Court today be kept on record.
2. Despite service, only some of the respondents are appearing.
3. The present application is for condonation of delay in preferring the appeal.
4. Learned counsel for the appearing respondents points out, at the outset, that the time during which the appellants were allegedly under medical treatment does not tally with the medical documents annexed to the condonation application. Secondly, it is submitted that there was no bar for the appellant no. 1 to file the appeal when appellant no. 2 was under medical treatment and *vice versa*.

5. It is also submitted by the appearing respondents that the period of delay mentioned in the condonation application is erroneous.

6. Learned counsel for the appellants seeks to justify the condonation application on the ground that since the appellants were advised to take bed rest during the relevant period, they were not in a position to prefer the appeal in time.

7. However, even if we gloss over the erroneous mentioning of the number of days of delay, since the appellants have sought to explain the entire period of delay in the filing of the appeal, we cannot overlook gross discrepancies in the explanation offered.

8. As rightly pointed out by learned counsel for the appearing respondents, the medical papers annexed to the condonation application pertain to the years 2023 and 2024; whereas the impugned order itself was passed in the year 2025.

9. That apart, we do not find any explanation as to why the appellant, who was not indisposed at the relevant period respectively, could not take steps for preferring the appeal.

10. Thus, the explanation sought to be offered for the delay is slipshod and it is evident that the appellants were negligent in pursuing their remedy of appeal.

11. Thus, we do not find sufficient explanation for the delay being given in the condonation application.

12. Accordingly, the condonation application, being CAN 1 of 2025, is dismissed on contest against the appearing respondents and *ex parte* against the others.

13. Consequently, FMAT No. 499 of 2025 is dismissed as time-barred.

14. The connected application, being CAN 2 of 2025, is also disposed of accordingly.

15. Urgent certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

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