

**IN THE COURT OF THE CIVIL JUDGE, DIBRUGARH**

**Misc.(j) Case No. 52 of 2018**

Present : Smti. Jharna Saikia, AJS  
Civil Judge, Dibrugarh

**ORDER**

**02.07.2022**

Both parties are duly represented by their learned engaged counsels. Today is fixed for hearing on the instant Misc.(j) case which has been filed u/s 5 of Limitation Act with prayer for condoning the delay of 33 days in preferring the appeal against the order dated 26.03.2018 passed by the Ld. Munsiff No.2 Dibrugarh in Misc.(j) case No. 138/17.



Heard the learned counsel for the petitioner as well as the opposite party. Perused the condonation petition wherefrom it appears that the Appeal ought to have been filed within 30 days from the date of passing the order dated 26.03.2018 passed by the Ld. Munsiff No.2 Dibrugarh in Misc.(j) case No. 138/17 but as the appellant/petitioner was undergoing treatment from 30.03.2018 to 16.05.2018 he had failed to contact with his lawyer for taking steps and hence delay has been occurred in preferring the appeal.

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The learned counsel for the petitioner has submitted that the delay in filing the Misc. appeal is not intentional and that the appeal involves questions of law which needs to be decided by the court and if the petitioner is not given a chance to put forward his grounds of appeal by admitting the appeal, he will be highly prejudiced.

The learned counsel for the respondent has submitted that they have no objection if the appeal filed by the petitioner against the order dated 26.03.2018 passed by the Ld. Munsiff No.2 Dibrugarh in Misc.(j) case No. 138/17 is admitted by condoning the delay.

Perused the C.R. Considering all in the interest of justice prayer is allowed.

Accordingly, the delay of 33 days in filing the appeal is condoned. The petition filed u/s 5 of limitation Act vide no. 2598/18 is allowed accordingly.

The Misc.(j) case is disposed of accordingly.

  
Civil Judge, Dibrugarh  
Civil Judge  
Dibrugarh