

**IN THE DEBTS RECOVERY APPELLATE TRIBUNAL, KOLKATA
SITTING AT CUTTACK**

Dairy No. 16 of 2019

.....

**THE HON'BLE SHRI R. S. KULHARI,
CHAIRPERSON**

10.09.2019

Ratnakar & others
... Appellant
Vs.
Bank of India & others
... Respondents

THE APPELLATE TRIBUNAL

Ld. Shri B. P. Satpathy present on behalf of the appellant. Ld. Counsel Shri K. C. Satpathy present on behalf of the Respondent Bank and files Valalatnama.

Heard Counsel for the parties on application for condonation of delay. Learned Counsel for the appellant submits that the appellant had undergone surgery and was hospitalized during the relevant period so delay of 25 days has been caused which may be condoned, it was opposed by the Counsel for the Bank contending that the delay is not properly explained, rather the medical certificate was arranged showing the exact days to be condoned.

Considered the arguments and perused the records.

The present appeal is filed on 28/01/2019 against the order dated 16.11.2018. There is delay of more than one month but the appellant was hospitalized from 13.12.2018 to 26.12.2018 and was advised further bed rest. The contention is supported by medical report. Thus, considering all the facts reason is plausible so delay application is allowed and delay is condoned. Counsel for the Respondent Bank may file affidavit in opposition within four weeks.

List the case on 20/11/2019 at Kolkata.

**(R. S. KULHARI)
CHAIRPERSON**

Dated: September 10, 2019