**Application under section 5 of the Limitation Act for condonation of delay in preferring an appeal**

**In the High Court** at Calcutta (Civil Appellate Jurisdiction)

In the matter of No................of 20......

A.B.

 Versus

 C.D.

 And In the matter of an application under s. 5 of the Limitation Act for condoning delay in filing the appealAnd

In the matter of

A.B. .........Appellant-Petitioner

Versus C.D. ................. .Opposite-Respondents E.F. Valued at Rs...................

To The Hon’ble Mr.................... Chief Justice and His companion Justices of the said Hon’ble Court The humble petition of the petitioner above-named Most respectfully showeth:

1. ............... (State the facts of the case and subject-matter leading upto filing of the appeal on ..................)

2. ...............

3. The appeal is out of time by ............... days. Your petitioner has filed a petition under Or. 43, r. 3A(1), C.P.C. along with memo of appeal.

4. That your petitioner could not prefer the appeal because of......... Your petitioner submits that there was sufficient cause namely,............ for which the appeal could not be preferred in time. In the premises aforesaid it is humbly prayed that Your Lordships would be pleased to issue a Rule on the Respondent to show cause why the delay in filing the appeal should not be condoned. And, on hearing the cause shown, if any, to make the Rule absolute.