

**TS 170 OF 2022**  
**Jo Code:WB01513**

**Order No 26 Dated : 05-07-2025**

Today is fixed for framing of issues.

Both parties are present at different timings.

Today, the plaintiff has filed a petition praying for restoration of the ad-interim injunction, stating that on the date when the injunction petition was taken up for hearing, the plaintiff was suffering from jaundice, and his appointed lawyer was unable to appear. It is further stated that although the law clerk filed hazira, the same was missed due to no step, and an adverse order was passed.

It is found from the record that the plaintiff has been seeking time on multiple previous dates without any substantial progress in the matter. The Court had earlier observed and advised that in the event of long-term illness of the engaged Advocate, the plaintiff may engage another Advocate so that the case may proceed without unnecessary delay. Despite such opportunity and clear observation of this Court, the plaintiff has continued to default.

The Court is of the considered view that such grounds now cannot be entertained, as the order on the injunction petition has already been passed after sufficient opportunity and repeated adjournments sought by the plaintiff. Mere illness of the plaintiff or non-appearance of the engaged counsel, without seeking proper leave or intimation, cannot be taken as a valid ground to recall or restore an order that has already attained finality at this stage.

The plaintiff was granted ample opportunity to either appear or ensure proper representation, which has not been availed diligently.

Litigants are under a duty to act with reasonable care in prosecuting their case, and failure to do so cannot be cured endlessly.

Hence, the petition filed by the plaintiff for restoration of the ad-interim injunction is **rejected** as not maintainable in law and on facts.

Let the matter proceed for framing of issues.

To 18.08.2025 framing of issues.

Dic. & Corr by me

Civil Judge (Jr. Divn.)  
Kharagpur Paschim Medinipur

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