

22.04.2026
Sl. No.42-43
Ct. No.14
tkm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

[Assigned)

S.A. No.327 of 1987

With

CAN 2 of 2024

CAN 3 of 2024

with

S.A. No.328 of 1987

CAN 2 of 2024

CAN 3 of 2024

Lakshmi Narayan Pal Chowdhury

Versus

Protiva Sen & Ors.

Ms. Kaberi Ghosh (Dey)

...for the Appellant.

Mr. Sukanta Das

...for the Respondent Nos.2, 3 & 4.

Re : **CAN 2 of 2024 & CAN 3 of 2024**
in SA 327 of 1987
and
CAN 2 of 2024 & CAN 3 of 2024
in SA 328 of 1987

1. Two appeals being SA 327 of 1987 and SA 328 of 1987 were dismissed for default on 6th December 2023.
2. These applications have been filed by the applicants seeking restoration of both the appeals upon condonation of delay of 276 days in filing the restoration application.
3. Ms. Kaberi Ghosh (Dey) learned advocate for the applicants submits that the erstwhile learned advocate being aged and seriously ill was unable to come to court which resulted in dismissal of the appeals. The applicants being the legal heirs of the

original appellant has filed applications for restoration of the appeals for pursuing the same. She seeks for appropriate orders.

4. Learned advocate representing the respondents submits that respondents will not use any affidavit-in-opposition to the applications. He further submits that no documents have been annexed to the applications in support of the illness of the erstwhile advocate. He seeks for dismissal of the applications.
5. Upon going through the averments made in the application it is found that the learned advocate who was an octogenarian, became seriously ill and was unable to come to court. The petitioners for pursuing the appeal contacted the present learned advocate who came to learn of such dismissal of the appeals for default on 25th September, 2024. Subsequent thereto, the applications have been filed for restoration. In view of the contentions made in the applications, it is found that the cause shown is sufficient to restore the appeals upon condonation of delay.
6. Accordingly, the order of dismissal dated 6th December, 2023 is hereby recalled.
7. Consequently appeals being SA 327 of 1987 and SA 328 of 1987 along with the connected applications be restored to its original file and number.
8. The applications being CAN 2 of 2024 and CAN 3 of 2024 in SA 327 of 1987 and CAN 2 of 2024 and CAN 3 of 2024 in SA 328 of 1987 are disposed of.

9. Let the appeals alongwith connected application be listed for hearing on 24th June 2026.

(Bivas Pattanayak, J.)