

N.22S1  
151/CL

**CO 167 of 2026**

**Tapan Kumar Chakraborty**  
**v.**  
**Tapas Kanti Panda & Ors.**

10.03.26  
SI-30  
Ct-06  
(S.R.)

Mr. Sounak Bhattacharya  
Mr. Sounak Mandal  
Mr. A. Halder  
Mr. Anirban Saha Ray  
Ms. Bipasha Bhattacharyya

... for the petitioner.

1. This revisional application is directed against an order dated November 17, 2025 passed by the learned Civil Judge (Senior Division), 2<sup>nd</sup> Court at Contai, Purba Medinipur thereby restoring J. Misc. Case No.10 of 2020 upon allowing an application under Order 9 Rule 9 of the Code of Civil Procedure, 1908 filed by the opposite party nos.1 to 3.
2. Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the applications under Order 9 Rule 9 of the Code had been filed almost five years after the dismissal of the Misc. Case that was initiated for restoration of the appeal that in turn had been dismissed on January 5, 2023.
3. He has invited the attention of this Court to the order dated November 17, 2025 to demonstrate that there is no finding whatsoever in the order as regards the sufficiency or otherwise of the explanation for the inordinate delay that has been occasioned by the opposite party nos.1 to 3 in

taking out the application under Order 9 Rule 9 of the Code seeking restoration of the said J. Misc. Case.

4. Having heard Mr. Bhattacharya, learned advocate appearing for the petitioner and having perused the material on record, this Court is of the *prima facie* view that the order dated November 17, 2025 could not have been passed and delay of almost five years could not have been condoned by the learned Appellate Court without first assessing the sufficiency of the causes for the delay occasioned shown by the opposite party nos.1 to 3. This Court is of the *prima facie* view that sufficient cause has not been shown justifying condonation of delay of five years in filing the application under Order 9 Rule 9.
5. In such view of the matter, there shall be an order of stay of all further proceedings in J. Misc. Case No.10 of 2020 till the end of April, 2026 or until further orders, whichever is earlier.
6. The petitioner shall serve a copy of the revisional application on the opposite parties intimating them that the matter shall be taken up next on April 20, 2026.
7. The petitioner shall file an affidavit of service on the returnable date.
8. List accordingly.

**(Om Narayan Rai, J.)**

