

Item No. 79

Ct 09

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08.06. 2026

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 247 of 2007
With
IA NO: CAN 2 of 2026
CAN 3 of 2026

Sri Pusparath Mitra
Vs
Smt. Minakshee Ghosh & Anr.

Mr. Parimal Pahari,
Ms. Anandamayi Ghosh.

... for the petitioner

In re: CAN 2 of 2026

Learned advocates for the petitioner are present.

None appears for the respondents in spite of service of notice. Affidavit of service is filed by the petitioner be kept with the record.

This instant application is filed for recalling of the order dated 08.04.2019 passed in CO No. 247 of 2007 which was dismissed for default.

It is the contention of the petitioner that the matter being CO No. 247 of 2007 appeared all on a sudden and the learned advocate missed the matter in the list and the same was dismissed. It is contended that there is no willful laches and the matter be restored. Along with the application for restoration, the petitioner has filed an application being CAN 3 of 2026 under Section 5 of the Limitation Act for

condonation of delay. In the said application the petitioner has stated that due to death of his son and the physical ailments suffered by him there was delay in preferring this application for restoration. He further stated that the delay was due to the grounds of ailments and mishap in the family as well as due to covid. Although the delay is inordinate, considering the explanation, this Court is of the view that this delay should be condoned and the application being CO No. 247 of 2007 should be restored subject to the payment of cost.

Thus, the application being **CAN 2 of 2026** stands allowed after condoning the delay.

The order dated 08.04.2019 passed in CO No. 247 of 2007 is recalled and CO No. 247 of 2007 is restored to its original file and number subject to the payment of cost of Rs.1000/- by the petitioner to the High Court Legal Service Committee. The petitioner shall pay Rs.1000/- to the High Court Legal Service Committee within a period of two weeks.

Let the matter appear on 24.06.2026 for report regarding compliance of payment.

(Biswaroop Chowdhury, J.)