



2026:CHC-AS:1138-DB

S/L 74
10.06.2026
Court No.9
Swd

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

SAT 38 of 2026
With
IA NO: CAN/1/2026, CAN/2/2026, CAN/3/2026

Malay Kumar Bhunia & Ors.
vs.
Anupam Kumar Maity & Ors.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray.

... for the Appellant.

Mr. Mani Sankar Chattopadhyay.

... for the UOI.

1. The learned Advocate for the parties are present.
2. Heard learned Advocates. This is an application for condonation of delay. The delay in filing this application for condonation is about two years. It is the contention of the petitioner/appellant that pursuant to the judgment passed in Title Appeal No.30 of 2024 by the learned District Judge at Paschim Medinipur on May 10, 2024 a Civil Revisional Application is filed on August 6, 2024.
3. Learned Advocate for the appellant draws attention to the information slip regarding filing of Civil Revisional Application. It is further contended that in the third week of January, 2026, the petitioner upon being advised with regard to preferring this appeal by the present learned Advocate has preferred this instant appeal along with the condonation of delay.



4. Learned Advocate appearing for the respondent submits that the appellant has not shown any other grounds save and except putting blame upon the learned Advocate. The learned Advocate further submits that the earlier revisional application is also not withdrawn as not maintainable.
5. Upon hearing the learned Advocates and considering the facts of the case and relevant judicial decision this Court is of the view that it is well-settled that a litigant does not suffer due to wrong advice of the learned Advocate. It is also clear that when revisional application is not maintainable due to the existence of provisions of appeal, the same revisional application are not filed.
6. The petitioner/appellant upon showing the facts of this revisional application and, thereafter, obtaining necessary advice has made out grounds for condoning the delay.
7. Thus, upon considering the grounds furnished this Court is of the view that these are sufficient and the delaying in preferring this appeal would be condoned. Thus, delay in preferring this appeal is condoned. This application CAN 2 of 2026 stands disposed. Let this matter be placed before the Hon'ble Division Bench having



determination in the matter for the purpose of admission.

(BISWAROOP CHOWDHURY, J.)