



(10)
13.06.2022
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO No. 741 of 2011
(IA No: CAN 1 of 2018)(Old No: CAN 7782/2018)
CAN 2 of 2021 and CAN 3 of 2021

West Bengal Housing Board
-versus-
West Bengal Employees (F& S)
Co-operative Housing Society & ors.

Mr. Debraj Sahu,
Mr. Abhishek Banerjee,
... for the petitioner.

Affidavit of service filed on behalf of the petitioner
in Court today be kept with the record.

None appears on behalf of the opposite parties in
spite of service.

Re : CAN 2 of 2021 (recalling) & CAN 3 of
2021(Sec. 5).

The revisional application was dismissed for
default on July 02, 2019.

CAN 2 of 2021 is an application for restoration of
the said revisional application and CAN 3 of 2021 is an
application for condonation of delay thereto.

On perusal of the applications, it appears that the
petitioner has alleged that the Sherestadar of the 5th
Court of learned Civil Judge (Senior Division), Alipore,
District: 24 Parganas (South) where the suit, out of
which the revisional application arose being Title Suit
No. 19 of 2009 is pending, supplied two information
slips to the petitioner on June 21, 2018 and May 10,
2019 respectively with the information that the said
suit was dismissed for default on July 02, 2011, the



petitioner, relying on the information so supplied, did not take steps in the revisional application, as such, failed to appear before the Court on July 02, 2019, when the said matter was called on for hearing and in consequence thereof, it was dismissed for default.

The petitioner, subsequently, through third information slip dated February 18, 2021 obtained the information that March 09, 2021 was a date fixed in the suit and filed the application for restoration of the said revisional application.

Learned advocate for the petitioner submits that subsequent enquiry revealed that the suit was never dismissed but the petitioner being misled by the said erroneous information, failed to appear before the Court on July 02, 2019.

Photocopy of the aforesaid information slips have been annexed to the application for restoration, it appears from the said documents that the information supplied through the first two information slips contradicts the information supplied through the third information slip.

In view of such position of the record, this Court is inclined to accept the explanation offered to explain the delay in filing the application for restoration, the said delay, therefore, is condoned.

The petitioner was prevented by sufficient cause from appearing before the Court when the revisional application was called on for hearing as it was under the impression that the connected suit had already been dismissed for default, as such, the order dated July 02, 2019 is recalled.



CO 741 of 2011 is restored to its original file and number with the interim order subsisting as on the date of dismissal of the matter.

CAN 2 of 2021 and CAN 3 of 2021 are thus disposed of without any order as to costs.

Put up the revisional application **(CO 741 of 2011)** in the list two weeks hence under the heading **“Contested Application”**.

The petitioner is to communicate this order to the learned advocate for the opposite parties and to file affidavit of service on the next date of hearing.

Let a report be called from the said Sherestadar of the said Court through the learned District Judge, District- 24 Parganas (South) at Alipore regarding veracity of the said information slips and the information supplied to the petitioner through those documents and such report be placed before this Court on or before the next date of hearing.

The entire file be placed immediately before the learned Registrar (Judicial) for necessary steps and report.

Urgent photostat certified copy of this order, if applied for, be supplied to the party subject to compliance of all requisite formalities.

(Biswajit Basu, J.)