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28-01-2026
(ct. no.34)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction**

**CRR 1193 of 2019
+
IA NO:CRAN/1/2025**

**Narendra Aneja & Ors.
Vs.
Ganga Devi Bhaiya**

Mr. Karan Dudhwewala, Adv.,
Mr. Mrighank Kejriwal, Adv.
... For the Petitioners.

Mr. Anand Keshari, Adv.,
Mr. Arindam Halder, Adv.,
Ms. Pubali Debnath, Adv.,
Ms. Dhriti Chanda, Adv.,
Ms. Sneha Bhattacharjee, Adv.
... For the Opposite Party.

Re : CRAN/1/2025

1. Affidavit-of-Service filed in Court today be taken on record.

2. This is an application filed on behalf of the petitioners praying for restoration of the order dated June 23, 2025 passed by a coordinate Bench whereby the criminal revisional application was dismissed for default. At the outset, it is submitted that in the cause title, it is mentioned as recall of the order dated June 23, 2025. However, in the prayer portion of this application it is prayed that since the matter is dismissed for default, it has to be restored.

3. It is submitted that the matter appeared initially in the year 2019. Subsequently, in the year 2023, fresh service was effected as directed by the coordinate Bench and, thereafter, appeared in the list in the year 2025 when

only the petitioners remained unrepresented. It is further submitted that there was no intentional laches on the part of the petitioners. It was only because of a miscommunication between the petitioners and the learned advocate, the petitioners remained unrepresented before the Hon'ble Court.

4. Learned advocate for the opposite party, on the other hand, raises strong objection. Firstly, regarding the maintainability of the application before this Court, it is submitted that since in the cause title as well as in the body of the application, the petitioners have mentioned about recalling of the order passed by the coordinate Bench, the same ought to have been heard by the same Bench passing the order of dismissal. That apart, negligence on the part of the petitioners has been raised.

5. Having heard both the learned advocates for the parties and on going through the materials on record as well as the order against which this application has been filed, it appears that on June 23, 2025, when this revisional application appeared in the list, the opposite party was present, but the petitioners were not represented. The coordinate Bench dismissed the matter for default holding that there is reason to believe that the petitioners are no longer interested to proceed with the revisional application. The other few orders manifest that the petitioners duly appeared before the Court whenever the matter appeared in the list on repeated occasions.

6. The objection raised by the learned advocate for the opposite party regarding the maintainability of this application, this Court is of the view that the sum and substance of the application appears to be the prayer for restoration of the revisional application after recalling of the order passed by the Hon'ble Bench on the date when the matter was dismissed for default. Therefore, since this

Court has the determination to take up the matters upto 2023, this application is well maintained before this Court.

7. Therefore, primarily, it can be seen that the petitioners appeared before the Court, but on that day, none could represent the petitioners.

8. However, this Court expresses dissatisfaction regarding the long pendency of the matter since 2019. Therefore, the prayer of the petitioners is hereby allowed by recalling the order of dismissal and the criminal revisional application is restored to its original file and number subject to the condition that the petitioners would deposit a cost of Rs.3000/- with the Calcutta High Court Legal Services Committee within a fortnight and to submit the receipt of such payment on the next date of hearing.

5. Let the matter be listed under the heading “**Contested Application**” in the **Combined Monthly List of March, 2026**.

6. The application stands disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]