

**CRR 1333 of 2022
With
CRAN 2 of 2024
CRAN 3 of 2024**

**M/s. Prakash Vanjiya Private Limited
Vs.
Central Bureau of Investigation**

Mr. Milon Mukherjee, Sr. Adv.	
Mr. Biswaji Manna	...for the petitioner
Mr. Amajit De	...for the CBI

Re: CRAN 2 of 2024

This is an application wherein the petitioner has prayed for condonation of delay of 262 days in preferring the application for recalling the order dated 4th September, 2023 by which this court was pleased to dismiss the original application on the ground of default.

Learned counsel for the petitioner submits that the earlier advocate was not diligent in conducting the case and due to his latches, the case was dismissed for default but such dismissal order was not communicated to the petitioner and as soon as the petitioner became aware about the dismissal order, he instant filed the present application seeking condonation of delay.

Learned counsel for the CBI submits that the application does not disclose any ground for causing the delay in preferring the application for restoration. However, he leaves it to the discretion of the court.

Having considered the facts and circumstance of the case and that the litigant should not suffer for the laches or inaction on the part of the lawyers, the delay in filing the application is hereby condoned.

CRAN 2 of 2024 is accordingly disposed of.

Re: CRAN 3 of 2024

This is an application wherein the petitioner has prayed for recalling of the order dated 4th September, 2023 by which this court was pleased to dismiss the application on the ground of default. The petitioner has also prayed for restoration of the application being CRR 1333 of 2020 in its original file with original number.

Learned counsel for the CBI raised objection.

Having considered the facts and circumstance of the case and that ground shown in the application which appears to be acceptable and that every dispute should be disposed of on merit or in other words, the decision of a case should be based on law and facts of the case rather than procedural grounds, I am inclined to allow the prayer made on behalf of the petitioner.

In such view of the matter, the order dated 4th September, 2023 is hereby recalled. CRR 1333 of 2020 is restored in its original file with original number.

CRAN 3 of 2024 is accordingly disposed of.

Re: CRR 1333 of 2020

Let the matter appear in the Monthly list of November, 2024 under the heading "Contested Application".

(Ajoy Kumar Mukherjee, J.)

