

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/90/2019
SIPRA MITRA AND ORS
VS
MANJU DEVI CHOWDHURY

With

EOS/5/2020
IA NO: GA/3/2025, GA/4/2025
KAMAL KUMAR CHOWDHARY
VS
AMAR NATH MITRA AND ORS

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date : 8th August, 2025.

Appearance:

Mr. Dipendra Nath Chunder, Adv.

Mr. Altamash Alim, Adv.

*...for the plaintiff in CS/90/2019 and
for the defendant in EOS/5/2020*

Mr. Ramesh Chandra Paul, Adv.

*...for the defendant in CS/90/2019
and for plaintiff in EOS/ 5/2020*

The Court:- GA/4/2025 if filed praying for setting aside of abatement. It is pleaded that on the earlier occasion an application, almost of same nature, was filed but for technical defect, the same was withdrawn in terms of Order dated 29th November, 2022. Subsequently, three applications were prepared but could not be filed.

Mr. Paul, the Learned Counsel for the plaintiff in EOS/5/2020 submitted that there was unintentional delay without the same being any deliberate

laches. Sufficient reasons are shown, according to Mr. Paul, for setting aside the abatement.

Mr. Alim, Learned Counsel for the defendant strongly objected to the same. Prayer for setting aside of abatement on the ground that the application is belated and no cogent and convincing reasons have been furnished by the petitioner for his failure to take appropriate steps.

Considering the facts and situation, factual aspects of the matter and considering the rival pleadings, I think it is a fit case to allow the application subject to payment of cost of Rs.20,000/- to be paid to the High Court Legal Services Authority within the returnable date. Let EOS/5/2020 be returned to its file. EOS/5/2020 shall appear in the list along with CS/90/2019 on 26th August, 2025 for further order.

GA/3/2025 and GA/4/2025 stand disposed of accordingly.

(SUGATO MAJUMDAR, J.)