



IA No.GA/3/2026
IA No.GA/5/2026
WITH CS-COM/788/2024
AD-COM/3/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
Original Side

MIHIJAM VANASPATI LIMITED AND
ANR.

-VERSUS-

SHINING VYAPAR PRIVATE LIMITED
AND ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 10th February, 2026.

Appearance:

Mr. S. Bhattacharyya, Adv.
Mr. Bipin Ghosh, Adv.
Ms. Sriparna Mitra, Adv.
...for the appellant.

Mr. Rishad Medora, Adv.
Mr. Rohit Banerjee, Adv.
Ms. Kanchan Jaju, Adv.
Ms. Sreha Das, Adv.
...for the respondent nos.1 & 2.

Mr. K. C. Garg, Adv.
Ms. Sunita Agarwal, Adv.
...for the respondent no.3.

The Court :- IA No.GA/5/2026 is an application seeking condonation of delay of 15 days in making and filing IA No.GA/3/2026. IA No.GA/3/2026 is an application for restoration of the appeal.

Both the applications are taken up for hearing.

Appellants seek to explain the delay in making and filing the application for restoration on the ground of time taken by the learned advocate



for preparing and filing the application for restoration as also the fact that the initial restoration application was found to be defective.

So far as restoration is concerned, again, it is contended on behalf of the appellants that, the learned advocate who was entrusted on behalf of the appellants was held up in another Court at the material point of time.

Respondents are represented.

On the principle that, faults, if any, of the advocate for a litigant should not be foisted upon the litigant, we deem it appropriate to accept the causes shown as sufficient so far as condonation of delay is concerned.

IA No.GA/5/2026 is, therefore, allowed.

On the very same principle and on the analogy of the same reasoning, we accept the causes shown for the absence of the appellants. IA No.GA/3/2026 is, therefore, allowed.

List AD-COM/3/2025 on February 16, 2026.

Court is informed there subsists an interim order Interim order directs stay upon furnishing of security. Court is informed that the security stands furnished.

In such circumstances, the interim order, passed earlier, shall continue till the disposal of the appeal.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)