

OD-16

ORDER SHEET

IA No.GA/7/2024

In

CS/221/2010

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

CHANDRA PRAKASH JHUNJHUNWALA
VS
THE NUCLEAR POWER

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : February 2, 2024.

Appearance:

Mr. Rahul Karmakar, Adv.
Mr. Debabrata Upadhyay, Adv.
Mr. Saunak Mukherjee, Adv.
Ms. Ishita Kundu, Adv.
...for the plaintiff/petitioner

Mr. Anil Dhar, Adv.
...for the defendant

The Court: Mr. Rahul Karmakar, learned advocate, is appearing for the plaintiff and Mr. Anil Dhar, learned advocate, is appearing for the defendant.

Plaintiff has filed an application being GA/7/2024 praying for recalling of the order dated 30th November, 2023 wherein this Court dismissed the suit for default. In the said application, the plaintiff has also prayed for condonation of delay of 15 days for filing the present application.

Counsel for the defendant raises objection and submits that on the earlier occasion also the suit was dismissed for default and subsequently this

Court has restored the suit. Counsel for the defendant also submits that the plaintiff is not proceeding with the matter and when the suit is dismissed only to harass the defendant, the plaintiff has filed the present application.

Considered the submission made by the counsel for the respective parties. Perused the application.

This Court satisfied that sufficient cause has been shown for non-filing of the application within the prescribed time. Accordingly, delay of 15 days in filing the present application is condoned.

This Court also satisfied that the plaintiff has shown sufficient cause for non-appearance of the plaintiff on the date fixed. Accordingly, this Court finds that one more opportunity should be given to the plaintiff to proceed with the suit on merit.

In view of the above, order dated 30th November, 2023 is recalled. CS/221/2010 is restored in its original form.

Let CS/221/2010 be placed before this Court on 26th February, 2024.

GA/7/2024 is disposed of.

(KRISHNA RAO, J.)