

OD-1

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION (CONTEMPT)
ORIGINAL SIDE

IA NO. GA/1/2025
In
CC/135/2014

DILIP KAPUR & ORS.
Vs
SUNIL KAPUR & ORS.

BEFORE:
THE HON'BLE JUSTICE APURBA SINHA RAY
Date: 17thApril, 2026.

Appearance:

Mr. Joyjit Ganguly, Adv.
Mr. Rudrajit Sarkar, Adv.
Mr. Rajib Mullick, Adv.
Ms. Vansikha Newar, Adv.
Mr. Anuran Karmakar, Adv.
. . .for the petitioners.

Ms. Sristi Burman Ray, Adv.
Mr. Sanjay Jhunhunwala, Adv.
. . .for the respondent

The Court:-This is an application for restoration of contempt application being No.CC/135/2014 on the ground that due to medical condition of the petitioner, he was not able to contact with his learned counsel and as a result of which the contempt application was dismissed on 31st July, 2018. However, as the petitioner is willing to proceed with the contempt application, this present restoration application may be allowed for the end of justice.

The learned counsel has drawn my attention to the relevant paragraphs of the restoration application, as follows:

“4. The petitioner tenders an unconditional apology for such lapse as he is over 70 years old and is technologically challenged due to which he could not maintain regular communication with his appointed Advocates. The resultant delay has been the outcome of a series of unavoidable challenges that the petitioner faced during this period ranging from his own serious medical condition in relation to his heart as well as of immediate family, which demanded the petitioner's constant care and attention. Given his advanced age, the physical and emotional strain was considerable, leaving him with little capacity to manage the complexities of the legal proceedings.

5. The situation was further complicated by significant miscommunications with his erstwhile Advocate on Record, which led the petitioner to mistakenly believe that necessary actions, including the filing of the restoration application, were being taken. It was only much later that he realized these critical steps had been overlooked, which further contributed to the delay, he was required to come and hold conferences, which he failed to do because of his ill health.

6. The petitioner's difficulties were accentuated by the COVID-19 pandemic, which created unprecedented challenges and made an already difficult situation even more overwhelming.

7. Throughout this period, the petitioner was also engaged in settlement negotiations with the opposing party, genuinely believing that an amicable resolution could be reached without further litigation as all the parties involved are immediate kin. His hope for a peaceful settlement, motivated by a desire to preserve family relations, led to a delay in formal legal action.

8. Finally, the petitioner faced the added challenge of changing his Advocates. Such transition required time for the new Advocates to become familiar with the case, resulting in additional delays. Despite these numerous obstacles, the petitioner is now fully committed to moving forward with the restoration application without any further delays, keenly aware of the need to resolve this matter promptly, particularly given his age and the significant emotional toll this prolonged litigation has taken.”

The learned counsel appearing for the respondent/opposite party no.7 has vehemently opposed the prayer for restoration application. According to her, there is no document in support of the contention that the petitioner was seriously ill at the relevant point of time. No document was submitted along with the contempt application.

I have gone through the materials placed on record. It appears that there is a delay of 2303 (Two thousand three hundred and three) days and in fact, I have found no document showing that the petitioner was ill and unable to contact with his learned counsel. It is very easy to put an imputation on the shoulder of an Advocate by a litigant, but to rely upon such contention of the petitioner in the absence of the concerned lawyer, will not serve the purpose of justice.

However, in order to show that he was actually suffering from serious ailments, the litigant should have filed relevant documents. Not a single piece of paper is submitted. The delay is more than 7 years, and, therefore, there must be an acceptable explanation, which is not available in this restoration application.

In view of the above, I am not inclined to his prayer for restoration application. Accordingly, GA/1/2025 being No.CC/135/2014 is dismissed.

The interim order, if any, stand vacated.

(APURBA SINHA RAY, J.)