

**CRR 2229 of 2005
With
CAN 1 of 2024
CAN 2 of 2024**

**Mangal Kumar & Ors.
Vs.
The State of West Bengal**

Mr. Himanshu De	
Mr. Navanil De	
Ms. Monami Mukherjee	...for the Petitioners
Mr. Anand Keshari	
Ms. Debolina Das	...for the State

Re: CAN 2 of 2024

This is an application under Section 5 of the Limitation Act where the petitioners have prayed for condonation of delay in filing the application for restoration.

Upon hearing of learned counsels for both the parties and also considering the grounds mentioned therein, the prayer for condonation of delay is allowed following the weighty consideration that as far as possible, the issue should be decided on merit, unless mala fide intention or dilatory tactics is manifested.

CRAN 2 of 2024 is accordingly disposed of.

Re: CAN 1 of 2024

This is an application for restoration of the application being CRR 2229 of 2005 which got dismissed by the order of this court on 26.7.2021.

It is submitted by learned counsel for the petitioners that due to their financial constraints followed by Covid Pandemic, they could not appear before the court when the matter was called on for hearing on 26th July, 2021. He further submits that second wave of Covid Pandemic was in full swing at that point of time. They were informed by one advocate on 10th November, 2024 over telephone that their matter was dismissed for default and immediate after knowing such fate of the proceeding, they have preferred the present application for restoration which may kindly be allowed.

Learned counsel for the State leaves the matter to the discretion of the court.

Upon hearing of learned counsel for both the parties and considering the circumstances which were prevailing throughout the country when the matter got dismissed, the prayer for restoration is allowed.

Let CRR 2229 of 2005 be restored in its original file with original number.

CRAN 1 of 2024 is accordingly disposed of.

Re: CRR 2229 of 2005

Let the matter appear in the Monthly list of February, 2025 under the heading **“Contested Application”**.

(Dr. Ajoy Kumar Mukherjee, J.)