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IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

RVWO/9/2021
WITH CS/213/2008

IA NO:GA/1/2021

KRISHNA COKE INDIA PVT. LTD.
VS.
FAIRDEAL SUPPLIES LTD.

.....

BEFORE:

The Hon'ble JUSTICE I. P. MUKERJI

AND

The Hon'ble JUSTICE ANIRUDDHA ROY

Date : 4th August, 2021.

[VIA VIDEO CONFERENCE]

Mr. Aniruddha Mitra, Mr. Kaushik Banerjee,
Ms. Rashmita Sen, Advs...for petitioner.

The Court : There is no merit in the review application.

Our reasons are as follows:

The order dated 6th May, 2015 disposing of the appeal had kept the issues concerning jurisdiction of this court and the other issues open to be adjudicated in the suit. For six years there appears to have been acceptance by the applicant of this position.

No effort was made to make the suit ready for hearing so that trial commenced.

Now, certain points regarding the merits of the controversy are sought to be raised inviting the court to review the said order dated 6th May, 2015 by setting it aside and thereafter pronounce a fresh order on merits.

If an emergent situation has arisen, in our view, on the basis of the order dated 6th May, 2015 the plaintiff is free either to expedite the suit or to approach the learned single judge by way of an application in the suit.

We had gone into the merits of the review application to enable us to adjudge the application for condonation of delay more judiciously.

We find that no ground has been made out to explain the long delay of more than 2000 days in preferring this review application. The cause sought to be made out are far from sufficient.

In those circumstances, the application for condonation of delay [GA/1/2021] is dismissed. The review application [RVWO/9/2021] is also dismissed.

(I. P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)

pkd.