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18.03
2025
Ct. No. 237

C.R.R. 2976 of 2014
With
IA No. CRAN 1 of 2023
With
IA No. CRAN 2 of 2023
Israfil Sk.
Vs.
The State of West Bengal

Mr. Usof Ali Dewan
Md. Asraful Huq

...For the Petitioner

Ms. Amita Gaur
Mr. Anand Keshari

...For the State

Re.: IA No. CRAN 2 of 2023

Receipt of service upon the State filed on behalf of the petitioner is taken on record.

This is an application for condonation of 23 days delay in filing the application for restoration, being IA No. CRAN 1 of 2023 seeking restoration of the revisional application, being C.R.R. 2976 of 2014 in its original file and number, which was dismissed for default vide order dated 13th March, 2023.

Upon hearing the learned Counsel appearing on behalf of the petitioner and the State and the grounds shown in the prayer for condonation of 23 days delay, appears to be satisfactory and accordingly the delay in filing the application for restoration is condoned.

Application, being IA No. CRAN 2 of 2023 thus stands disposed of.

IA No. CRAN 1 of 2023

This is an application wherein the petitioner have prayed for recalling the order dated 13th March, 2023 by which this Court was pleased to dismiss the main application on the ground of default and

prayed for restoration of the said application, being CRR 2976 of 2014 in its original file and number.

Having heard the learned Counsel appearing on behalf of the petitioner and the State and also upon consideration of the grounds shown in the application and that the weighty consideration in such cases is that as far as possible the dispute between the parties shall be adjudicated on merit unless the grounds shown in the Application smack *mala fide*, the prayer is allowed.

Let C.R.R. 2976 of 2014 be restored to its original file and number.

The application, being IA No. CRAN 2 of 2023 is accordingly disposed of.

C.R.R. 2976 of 2014

Let the matter be listed under the heading 'Contested Application' in the monthly list of April, 2025.

(Dr. Ajoy Kumar Mukherjee, J.)