

26.03.2025
Item No.2
Ct. No.01
RP/SM

MAT 48 of 2024
with
CAN/2/2024
with
CAN/3/2024

Punjab National Bank and Anr.
Vs.
Kamal Stores and Ors.

Mr. Abhishek Banerjee, Adv.
Ms. Parna Roy Chowdhury (Banerjee), Adv.
....For the Applicants
Mr. Joyjit Roy Choudhury, Adv.
Mr. Vineet Kothari, Adv.
....For the Respondent No.1

In Re: CAN/2/2024

1. There is a delay of 71 days in filing the recalling application. Though the explanation is not fully satisfactory, delay is only for 71 days, we exercise discretion and condone the delay.
2. Accordingly, CAN/2/2024 is disposed of.

In Re: CAN/3/2024

3. This recalling application is at the instance of the writ petitioner who was also impleaded as respondent in MAT 48 of 2024. Admittedly, notice was served on the respondent/writ petitioner and thereafter, the appeal was heard but it appears that the learned advocate who was engaged by the applicant did not appear before the court. The court considered all the facts and circumstances and allowed the appeal for the bank.
4. The learned advocate appearing for the bank submitted that the property has been sold and

registered in the name of successful bidder. He further submitted that the property is in same condition and in this regard certain photographs have been referred to.

5. Firstly, change of counsel cannot be a ground seeking for recalling of the order. Apart from that, the judgment had attained finality and further proceedings have been taken place inasmuch as property has been sold and registered. Therefore, we find no ground to entertain the application.
6. Accordingly, the application being CAN/3/2024 is dismissed.

[T.S. SIVAGNANAM]
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)