

**27.02.2026**

**Court No.39**

DL/Item No.-2

[Milan, A.R. (Ct.)]

**CPAN 1677 of 2025**  
**With**  
**CAN 1 of 2026**  
**CAN 2 of 2026**

**Rubi Devi Routh**  
**versus**  
**Sukumar Sutradhar**

**In**  
**WPA 18138 of 2024**

Ms. Juin Dutta Chakraborty,  
Mr. Bidan Modak,  
Ms. Arpita Kundu

....for the Applicant/Petitioner

Mr. Nilotpal Chatterjee,  
Mr. Amritlal Chatterjee

....for the Alleged Contemnor

**In Re: CPAN 1677 of 2025**

Affidavit of service filed in Court today is taken on  
record.

**In Re: CAN 2 of 2026**

The alleged contemnor is represented.

It is submitted on behalf of the alleged contemnor  
that the principal respondents, in WPA 18138 of 2024  
wherein the order dated 05.10.2024 was passed which  
is the order under contempt, have filed an application

for recalling the said order along with application for condonation of delay.

Although, an application for recalling of an order is governed by the provisions of Article of 137 of the Limitation Act, 1963, the applicant has filed an application, inter alia, under Section 5 of the Limitation Act, 1963 for condoning the delay in making the recalling application.

The order, which is sought to be recalled, is dated 05.10.2024 and, as such, three years time period as prescribed under Article 137 of the Limitation Act, 1963 has not expired as yet.

The application for condonation of delay is, therefor, disposed of without any further order by permitting the recalling application to be taken up on merits.

Accordingly, the application for condonation of delay being CAN 2 of 2026 is disposed of.

**In Re: CAN 1 of 2026**

The writ petitioner, who is also the applicant/petitioner in the contempt application, says that the application for recalling the order dated 05.10.2024 is unmeritorious and, as such, the order should not be recalled.

The order has been passed by assigning due and proper reasons and, as such, there is no requirement to

revisit the same for the purpose of recalling the said order dated 05.10.2024.

The petitioner seeks leave to file an affidavit to deal with the recalling application on merits.

Let affidavit-in-opposition be filed by 17<sup>th</sup> March, 2026. Reply, if any, thereto be filed by 31<sup>st</sup> March, 2026.

Let the matter appear on 10<sup>th</sup> April, 2026.

**(Arindam Mukherjee, J.)**