

20.05.2025
Court No.652
Item No.148
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 1772 of 2023

**Munshi Md. Nayeem & Ors.
Vs.
Sk. Md. Sahabuddin & Anr.**

Mr. Gopal Ch. Gope
Mr. N. N. Maity

...for the petitioners

Mr. Gopal Chandra Ghosh, Sr. Adv.
Mr. Rajkrishna Mondal
Ms. Sunandana Saha

...for the opposite party

1. Present petition has been filed challenging the impugned order no. 6 dated 24th April, 2023 passed by the learned Civil Judge (Jr. Div.), 1st Court, Arambagh, Hooghly in MJC 16 of 2022 arising out of MJC 12 of 2020.
2. Sri Ghosh, learned senior counsel for the opposite parties submits that the learned Trial Court passed a reasoned order and there is no scope of challenge. Learned senior counsel also submits that no cause was shown for the delay in filing the application for restoration.
3. Learned counsel for the petitioner submits that there was a delay of only 27 days and the delay

was duly explained being the health condition of the learned advocate.

4. The Court is of the view that there should be every endeavour for adjudication of the matter on merits. The Court, therefore, generally takes a liberal view in the restoration except in the exceptional circumstance. The submissions as having made at Bar that the delay was caused on account of the health condition of advocate's clerk, is sufficient and reasonable.
5. The restoration application is allowed subject to the cost of Rs.5000/- to be deposited with the West Bengal Advocates Welfare Fund.
6. Learned Trial Court is directed to proceed with the matter expeditiously.
7. The instant petition stands disposed of.
8. All parties shall act on the basis of the server copy duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)