

27-03-2025
Item No.415
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.24862 of 2024
Sri Aparup Kundu & Anr.

-vs-

Punjab National Bank & Ors.
with
CAN No.1 of 2025

Mr. Amal Kumar Mukhopadhyay
Mr. Palash Kanti Chakraborty
Mr. Pratap Kumar Yadav ...for the petitioners

Mr. Abhishek Banerjee
Ms. Parna Roy Chowdhury
Mr. Dipankar Das
Ms. Payel Ghosh ...for the bank

1. The petitioners, by way of this application (CAN No.1 of 2025), pray for recall of the order dated January 27, 2025 dismissing the writ petition for default on the grounds that the petitioners were not diligent enough to proceed with the writ petition.
2. Learned counsel representing the petitioners submits that for the fault on the part of the learned advocate for the petitioners, the petitioners ought not to suffer. Therefore, he prays for recall of the order.
3. Upon hearing the respective parties, it appears that the petitioners in the writ petition seek for one-time settlement of the loan amount. The bank has categorically refused the petitioners' prayer for such settlement. The bank has currently proceeded to recover the dues. The

original application filed by the bank is pending consideration before the Debts Recovery Tribunal.

4. For ends of justice and in view of the submission that a litigant ought not to suffer due to the fault of the learned advocate, the order dated January 27, 2025 stands recalled. CAN No.1 of 2025 is disposed of.
5. After hearing the submissions made on behalf of the respective parties, it appears that there is no scope to grant relief to the petitioners in the instant writ petition. The writ petition is dismissed.
6. It will be open for the petitioners to approach the Debts Recovery Tribunal for relief in accordance with law, if so advised.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

