

05.01.2026.
Item No. 8.
Court No. 13
ap

**M.A.T. 2269 of 2023
With
I.A. No. CAN 1 of 2024
And
I.A. No. CAN 2 of 2025
And
I.A. No. CAN 3 of 2025
And
I.A. No. CAN 4 of 2025

Sk. Abdul Basir
Versus
The State of West Bengal & Ors.**

Mr. Md. Shahjahan Hossain,
Mrs. Sanjida Sultana,
Mr. Sanwar Mullick,
Mr. Souvik Shaw.

...For the appellant.

1. Affidavit-of-service filed in Court today be taken on record.
2. CAN 3 of 2025 is an application for condonation of delay of 400 days in filing CAN 2 of 2025 seeking recall of an order dated 29th July, 2024. The only explanation offered is that the appellant was not aware of the dismissal of the instant appeal due to negligence and laches on the part of the previous Advocate-on-record. The said learned Advocate-on-record has not made as party respondent in the instant proceedings.
3. A bald allegation by a litigant against his Advocate is required to be supported by due documents. There is no document or pleading in CAN 3 of 2025 as to how many times the appellant tried to contact his previous Advocate-on-record and in what manner.

4. The appeal itself appears to have been filed with a delay of 90 days after beyond the period of limitation.

5. This Court is of the view that the appellant is guilty of gross negligence and is trying to shift the blame for the same on his erstwhile Advocate which cannot be permitted. CAN 3 of 2025 shall stand dismissed.

6. In view of dismissal of CAN 3 of 2025, consequently all other pending applications are dismissed.

7. There will be no order as to costs.

8. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)