

GAHC010079972024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MC/41/2024

LAKHIRAM TAI
S/O- LATE GOLAP TAI, R/O- VILL- TEOK SONARI MISING GAON, P.O-
JAKHARIA, P.S- TEOK, DIST- JORHAT, ASSAM

VERSUS

THE UNION OF INDIA and 3 ORS
- REP. BY THE SECRETARY, MIN OF HOME AFFAIRS, GOVT OF INDIA, NEW
DELHI

2:THE DEPUTY INSPECTOR GENERAL CISF
NEZ
41 KOTOYA ROAD
PARK CIRCUS
KOLKATA- 17

3:THE GROUP COMMANDANT

CENTRAL INDUSTRIAL SECURITY FORCE
CISF GROUP HEAD QUARTER H.Q. 11 MRD ROAD
BAMUNIMAIDAN
GUWAHATI-21.

4:THE DEPUTY COMMANDANT

CISF UNIT
NRL
NUMALIGARH
DIST. GOLAGHAT
ASSA

Advocate for the Petitioner : MR.K K PHUKAN, MR. L N DIHINGIA

Advocate for the Respondent : DY.S.G.I.,

Linked Case : WP(C)/4128/2017

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Advocate for : MR.K K PHUKAN

Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA and 3 ORS.

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

04.12.2024

Heard Mr. L.N. Dihingia, learned counsel for the applicant who submits that by filing this application, the applicant seeks restoration of the connected writ petition, which was dismissed for default on 18.03.2024. Referring to the application, the learned counsel submits that due to medical ground, the appointed counsel could not present himself when the matter was listed and therefore, the writ petition got dismissed for default. The learned counsel submits that due to the fault of the counsel, the petitioner may not be put in hardship and therefore, for the ends of justice, the writ petition may be restored to file.

Ms. R. Devi, learned counsel for the opposite party submits that the counsel for the applicant has not been diligent in attending the case and that he had appeared only on one (1) occasion and therefore, she has objection to the restoration of the writ petition.

I have heard the submissions made by the rival parties and I have perused the materials available on record. The applicant has cited that the engaged counsel who was the sole counsel was suffering from multiple chronic disease and because

of this, he could not appear consecutively on three (3) occasions, which led to the dismissal of the writ petition. The applicant has also stated that due to acute financial constraints, he was not able to engage other counsels in addition to the engaged counsel to substitute him and therefore, due to the inability on the part of the counsel, who was having health issues, the writ petition got dismissed. Upon considering the submissions made and upon perusal of the materials available on record, this Court is inclined to restore the writ petition so that the matter can be decided on merits.

In view of above, the Order dated 18.03.2024 is hereby recalled and the writ petition restored to file.

Misc. Case stands disposed of.

JUDGE

Comparing Assistant