

Party Name : AKHIL CH. BHOWMIK Vs THE STATE OF TRIPURA

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA THE HONBLE MR. JUSTICE S.C.DAS

Heard learned counsel for the parties.

This writ petition was dismissed on 05.11.2014 when the following order was passed:

“On 10.09.2014 we have passed the following order:

“At the request of Mr. B. Das, list on 5th November, 2014.

We have repeatedly granted adjournments at the request of the petitioner and we may make it clear that this is the last adjournment granted and all arrangements are required to be made by the petitioner for arguing the matter on the next date on which no adjournment shall be granted”

Today none appears in the matter. It is apparent that the petitioner is not interested in pursuing the matter and therefore the petition stands dismissed.”

We may point out that earlier the matter was listed on 06.08.2014 when none was present for the petitioner. The petition was adjourned to the next date which is 20th August, 2014, on this date Mr. B. Das, learned Sr. counsel appeared and requested for a date. The matter was adjourned to 10th September, 2014 and it was made clear that no further adjournment shall be granted. On 10th September, 2014 we had passed following order:

“At the request of Mr. B. Das, list on 5th November, 2014.

We have repeatedly granted adjournments at the request of the petitioner and we may make it clear that this is the last adjournment granted and all arrangements are required to be made by the petitioner for arguing the matter on the next date on which no adjournment shall be granted”

Despite this order being passed, none had appeared on 05.11.2014. There is no option left with a Court if counsel chose not to appear before the Court time and again. Therefore, we had dismissed the petition.

However, keeping in view the averments made in the application we allow the application for condonation of delay and also the application for restoration, subject to payment of Rs.5,000/- as costs. The costs to be paid to the Bar Council of Tripura which shall be kept in a separate account meant only for the welfare of the advocates.

Status quo as of today shall be maintained with regard to the services of the petitioner.

List the matter [W.P(C) No. 306 of 2008] for hearing on 4th March, 2015. It is made clear that the petitioner should be ready for arguments on that date and under no circumstances any date shall be given. Costs should also be paid before the next date.

C.M. application is disposed of.