

Party Name : DILIP KR. BHATTACHARJEE Vs THE STATE OF TRIPURA & ORS

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant application is filed for restoration of the writ petition being WP(C) 402/2007 which was dismissed for default on 10.12.2013.

Heard Mr. Das, learned senior counsel assisted by Mr. Chakraborty, learned counsel for the applicant as well as Mr. Dutta Majumdar, learned GA for the respondents.

Mr. Das, learned senior counsel fairly submits that the instant application is filed after 272 days from the date of order of dismissal without any application for condonation of delay. He also submits that no application for condonation of delay is required for preferring an application for restoration. Even if it is considered that there is no delay in preferring the restoration application as the period of limitation starts from the date of knowledge of dismissal, then also there is no explanation as to why on 10.12.2013 the learned counsel for the petitioner did not appear. As there is no valid explanation in the instant application for nonappearance of the learned counsel for the petitioner on the date of dismissal, it would not be proper to allow the prayer for restoration. Accordingly, the instant application for restoration is dismissed.