

**C.O.2248 of 2010
(C.A.N. 2 of 2021)**

**BASANTI BANERJEE VS. NISHA RANI
GHOSH**

**Mr. Samiran Giri
Ms. Madhumita Patra**

In re: C.A.N.2 of 2021

Despite service none appears on behalf of the opposite party. Let the affidavit of service filed in Court today be taken on record.

C.A.N. 2 of 2021 is an application for condonation of delay of about 1429 days in filing for restoration of C.O. 2248 of 2010.

I do not find any explanation as to why the inordinate delay of 1429 days had taken place and why the same should be condoned. The relevant paragraphs are set out below for convenience.

"That your petitioner states that there is a delay of 1429 days in filing the instant application for restoration.

"That your petitioner states that there were no wilful latches on behalf of the petitioner.

"That your petitioner states that unless the delay of 1429 days in filing the instant application for restoration, the petitioner will suffer irreparable loss and injury and will be seriously prejudiced."

The petitioner has filed the application for condonation of delay but without any explanation. This

practice is deprecated.

The application is dismissed. Subject to payment of cost of Rs.1500/- to be deposited with the State Legal Services Authority, Calcutta, the petitioner will be at liberty to file a fresh application for condonation of delay and the same will be served upon the opposite party and will be considered in accordance with law.

Liberty to mention.

(Shampa Sarkar,J.)

