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11.03.2025
Court No. **25**
D.Hira

WPA 25791 of 2015
With
CAN 1 of 2025
With
CAN 2 of 2025

Sanchari Kundu
Vs.
Indian Nursing Council & Ors.

Mr. K.M. Hossain,
Mr. Syed Mosihar Rahaman.
... for the petitioner

Mr. Biswabrata Basu Mallick, Id. A.G.P.,
Mr. Sayan Ganguly.
... for the State

Affidavit-of-service filed in Court today is taken on record.

The applicant/petitioners has filed two applications being CAN 1 of 2025 and CAN 2 of 2025.

The application being CAN 1 of 2025 filed by the applicant/petitioner, is to seek recall of this Court's earlier order dated November 3, 2016 passed in W.P. No. 25791 (W) of 2015, thereby dismissing the writ petition for default.

CAN 2 of 2025 is an application seeking an order for condonation of delay of 3001 days in filing CAN 1 of 2025 by the present applicant/petitioner.

Mr. Rahaman, learned counsel appearing for the petitioner has submitted the reason for delay in filing the application as above to be the indisposition of the petitioner, who has suffered Gallbladder Operation.

He has also relied on an order of this Court in RVW 374 of 2024 dated February 14, 2025, in which the Court

has been pleased to condone a long period of delay of 1825 days and admit an appeal.

There is hardly any dispute as regards the settled legal principle that following a sufficient reason, the Court can condone even a prolonged delay by the litigant to come before the Court.

However, in the present case, the Court is unable to find any such sufficient reason. The reason of indisposition of the learned advocate on the ground of his Gallbladder operation resulting into the delay of nine years is not only unbelievable but appears to be impossible too. Therefore, the Court is constrained to find due diligence on the part of the litigant/petitioner to follow the Court proceedings.

In such circumstances, the Court having not being satisfied with the sufficiency of reasons shown as above, is not inclined to allow the applicant's prayers as made in the two applications, as mentioned above.

Hence, CAN 2 of 2025 is dismissed. Consequently, CAN 1 of 2025 is dismissed too.

(Rai Chattopadhyay, J.)