

October 31, 2022
AD 70 & 71
Court No.1
SG

CAN 3 of 2022
in
MAT 1432 of 2019

with

CAN 2 of 2022
in
MAT 1432 of 2019

Niranjana Maity and others
vs.
The State of West Bengal and others

Mr. Tushar Sinha Mahapatra,
Mr. Pranab Kumar Das, Advocates
... for the appellants.

CAN 2 of 2022 has been filed by appellant Nos.2 and 3 in MAT 1432 of 2019 seeking modification of the order dated 17.11.2021 passed in the said appeal by this Court.

Submission of learned counsel for the appellants is that the applicants are daily workers and they are not in a position to deposit the costs imposed by this Court.

Having heard learned counsel for the appellants and on perusal of the record, it is noticed that MAT 1432 of 2019 was filed against the order of learned Single Judge dismissing the writ petition with the costs of Rs.1 lakh payable by each of the writ petitioners to the Legal Services Authority on the ground that the writ petitioners adopted sharp practice before learned Single Judge.

Considering the circumstances and significance of showing the leniency, this Court has already allowed the

appeal and restored the writ petition and has reduced the costs which was imposed by learned Single Judge.

Under the aforesaid circumstances of the case, we find no ground to modify the order dated 17.11.2021 passed in MAT 1432 of 2019.

Hence, CAN 2 of 2022 is dismissed.

CAN 3 of 2022 has been filed by the writ petitioners/appellants disclosing that the writ petitioner No.1/appellant No.1 had expired on 11.12.2019.

If that be so, it was the responsibility of the other respondents or learned counsel for the respondents to bring this fact to the notice of the Court at the appropriate stage. At this stage a limited submission has been made by learned counsel for the applicants to extend the time for making payment of the costs imposed by the order dated 17.11.2021 in MAT 1432 of 2019.

Hence, CAN 3 of 2022 is disposed of by granting further 2 weeks time to deposit the costs in terms of the order dated 17.11.2021 passed in MAT 1432 of 2019.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]