

30.03.2023
Sl. No.595(ML)
srm

CAN 1 of 2023
With
CAN 2 of 2023
In
W.P.A. No. 4455 of 2020
Malek Ali Sha
Versus
The State of West Bengal & Ors.

Mr. Kanailal Samanta,
Mr. Rajit Lal Maitra

...for the Applicant/Petitioner.

Re: CAN 1 of 2023

Despite service, none appears on behalf of the respondents. Affidavit-of-service is taken on record.

This is an application under Section 5 of the Limitation Act for condonation of delay in filing the restoration application being CAN 2 of 2023. The writ petition being WPA No.4455 of 2017 was dismissed for default by an order dated November 22, 2022. The application for restoration of the writ petition was filed on February 2, 2023, that is, beyond the period prescribed by law.

The delay is condoned. The court is satisfied with the reasons pleaded in paragraphs 6 to 8 of the said application.

The application being CAN 1 of 2023 is allowed and disposed of accordingly. CAN 2 of 2023 is registered.

Re : CAN 2 of 2023

This is an application for restoration of the writ petition being WPA No.4455 of 2020 upon recalling the order dated November 22, 2022, by which the writ petition being WPA No.4455 of 2020 had been dismissed for default.

Having perused the grounds stated in paragraphs 2 to 5 of this application, this Court is satisfied that the petitioner was prevented by sufficient cause from attending the Court when the writ petition was dismissed for default.

Let the order dated November 22, 2022 be recalled.

The writ petition being WPA No.4455 of 2020 is restored to its original file and number.

The application being CAN 2 of 2023 is allowed and disposed of accordingly.

Re: WPA No. 4455 of 2020

Let the writ petition be listed in the Monthly List of **May, 2023** under the heading “**Motion**”.

Service of notice along with the copy of this order upon all the respondents.

Affidavit-of-service to be filed on the next date.

(Shampa Sarkar, J.)