

24. 02.08.2022
Ct. No.6
Tanmoy

M.A.T. 930 of 2022

**Smt. Champa Singh
-Versus-
The State of West Bengal & Ors.**

**With
IA No: C.A.N. 1 of 2022**

Mr. Gautam Lahiri, Adv.

...for the appellant.

Mr. Tapan Kumar Mukherjee, Ld. Sr. Adv.,
Ms. Debdooti Dutta, Adv.

...for the State.

Mr. Arijit Dey, Adv.

...for the Boranagar Municipality.

By consent of the parties, the appeal and the connected application are taken up together for hearing.

The appellant's writ petition was 'dismissed for default' on January 17, 2013. She filed a restoration application more than four years later being C.A.N. 11818 of 2017. Thereafter, she filed C.A.N. 6906 of 2019 for condonation of delay of 1809 days in filing the restoration application.

The learned Single Judge not being satisfied with the explanation for delay, refused to condone the delay, dismissed the condonation application and consequently dismissed the restoration application by the order impugned.

We have heard learned Counsel for the parties. Although we are not fully satisfied with the explanation furnished by the appellant for the delay in filing the restoration application as also the explanation given for absence of learned Advocate for the writ petitioner on the day the writ petition was 'dismissed for default', for the ends of justice, we allow the appeal, condone the delay in filing the restoration application and restore the writ petition to its original file and number, subject to payment of costs assessed at Rs.5,000/- (Rupees Five Thousand).

The appellant shall pay the costs to the West Bengal State Legal Aid Services Authority within a fortnight from date. This order shall take effect subject to payment of such costs.

Let the writ petition be listed before the learned Single Judge having determination four (4) weeks hence.

The department shall forward a copy of this order to the Member Secretary of the West Bengal State Legal Aid Services Authority, who shall draw to our attention failure, if any, on the part of the appellant to pay the costs as directed above.

The appeal being M.A.T. 930 of 2022 and the connected application being IA No: C.A.N. 1 of 2022 are accordingly disposed of.

Let urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all usual formalities.

(Rai Chattopadhyay, J.)

(Arijit Banerjee, J.)