

21.01.2022
Item No. 08
Court No.6.
S. De

Through Video Conference

**M.A.T. 1687 of 2019
I.A. No. CAN 1 of 2019
(Old No. CAN 11804 of 2019)**

**Shyamlata Mundari.
Vs
The State of West Bengal & Others.**

Mr. Supratim Dhar,
Mr. Dhananjay Nayak,
...for the appellant.

This is the second call. Nobody appears for the respondents.

The writ petition of the appellant was dismissed for default on July 27, 2015. Her application for restoration of the writ petition was dismissed by an order dated January 9, 2018. This is the order impugned in this appeal.

There is a delay of 690 days in filing the appeal. Causes shown being sufficient, we condone the delay.

We have heard learned counsel for the appellant. There appears to have been sufficient reason for non-appearance of learned advocate for the writ petitioner on the day the writ petition was dismissed for default. There also appears to be adequate grounds for the delay in filing the restoration application.

Normally the Courts are lenient in allowing restoration applications. Considering the facts and

circumstances of this case and that the lady writ petitioner is a senior citizen, we are inclined to allow this appeal. The order under appeal is set aside. The writ petition is restored to its original file and number.

MAT 1687 of 2019 is, accordingly disposed of along with I.A. No. CAN 1 of 2019 (Old No. CAN 11804 of 2019).

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)