

24.2.2025
ct.25, sl. 14
sk

WPA 23993 of 2009
CAN 1 of 2025, CAN 2 of 2025

Ajijur Rahaman
vs
The State of West Bengal & Ors.

Mr. K.M.Hossain
....for the petitioner.

Affidavit of service filed by the petitioner is taken on record.

In Re: CAN 1 of 2025 and CAN 2 of 2025

CAN 1 of 2025 and CAN 2 of 2025 are the two applications filed by the applicant/writ petitioner.

In CAN 1 of 2025 the applicant has sought for recall of this Court's order dated December 13,2022 passed by the Court in WPA 23993 of 2009, thereby dismissing the writ petition as above for non-prosecution.

The CAN 2 of 2025 is filed by the applicant to pray for condonation of delay of 758 days in filing the restoration application being CAN 1 of 2025.

Learned advocate appearing for the petitioner has relied on the grounds pleaded in the said applications regarding lack of knowledge of the learned conducting advocate of matter being dismissed for default by the Court. The said ground appears to be beyond control of the applicant and no latches on part of the applicant appears on the face of the records.

Considering the reasons as above, to be sufficient, the Court is of the opinion to allow CAN 2 of 2025 thereby condoning the delay of 758 days in filing CAN 1 of 2025 by the applicant. CAN 2 of 2025 is thus allowed.

In CAN 1 of 2025 the applicant has sought for recall of this Court's order dated December 13, 2022 on the ground that the matter suddenly appeared before the other Bench which could not be followed by the learned conducting lawyer. Since the ground pleaded as above appears to be beyond control of the applicant himself and attributable to the inadvertent mistake of the office of the learned conducting lawyer, those are found to be sufficient.

For the reason as above, let order of this Court dated December 13, 2022 in WPA 23993 of 2009 be recalled.

Let the writ petition No. WPA 23993 of 2009 be restored in its original file and number.

Let this writ petition be listed under the heading "Old Hearing Matters", immediately.

CAN 1 of 2025 is disposed of.

(Rai Chattopadhyay, J.)