

14.06.2023
Sl. No.3
PG/ KS
Ct.1

M.A.T. 753 of 2023
In
IA No. CAN 1 of 2023
With
IA No. CAN 2 of 2023

Minati Sarkar & Anr.
Versus
The State of West Bengal & Ors.

Mr. Nilanjan Bhattacharjee
..... For the Appellants

Mr. Kaustav Bagchi
Ms. Priti Kar
.... For the Respondent Nos.4, 5 & 6

In Re. :- IA No. CAN 1 of 2023

1. We have learned advocates for the parties.
2. There is delay of 32 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation.
3. Accordingly, I.A. No.CAN 1 of 2023 is allowed and the delay in filing the appeal is condoned.

In Re. :- M.A.T. 753 of 2023

4. This intra-Court appeal is directed against the order dated 8th February, 2023 in W.P.A. No.1623 of 2022.

5. On going through the order, we find the order to be entirely in favour of the appellants and the Court is at a loss to understand as to why this appeal is presented.
6. If according to the petitioners, there is any change required in the order on factual ground or there is any error, which is apparent on the face of the order, the remedy lies elsewhere and not by way of an appeal.
7. Hence, the appeal along with the connected application (IA No. CAN 2 of 2023) are dismissed.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)