

21.04.2023.
Court No.13
Item No. 57
pk

W.P.A. No. 14672 of 2019
With
CAN 2 of 2023
With
CAN 3 of 2023
Dilip Kumar Nath
Versus
State of West Bengal & Ors.

Mr. Argha Banerjee

...For the petitioner.

Mr. Jayanta Narayan Chatterjee,
Ms. Paromita Mukherjee,
Mr. Gourav Banerji,
Ms. Sreeparna Ghosh,
Ms. Dipanwita Das

For the respondent nos. 5 and 6.

In Re: CAN 3 of 2023 (Sec.5)

- 1.** This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of in filing the restoration application being CAN 2 of 2023.
- 2.** Having heard the learned Advocate appearing on behalf of the respective parties, as also considering the statements made in the said application, I am satisfied with the grounds indicated explaining delay in preferring the restoration application.

3. The application for condonation of delay being CAN 3 of 2023 is, thus, allowed and disposed of.
4. There will be, however, no order as to costs.

In Re: CAN 2 of 2023 (Restoration)

1. Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 04.11.2022.
2. The said order is recalled and the writ petition is restored to its original file and number.
3. Accordingly, CAN 2 of 2023 is disposed of.
4. There will be, however, no order as to costs.

In Re: W.P.A No. 14672 of 2019

1. The writ petitioner complains that the respondent nos. 5/the younger son and the respondent no. 6/the daughter-in-law are torturing him. The petitioner feels extremely insecure and threatened. The private respondent no. 5 is admittedly an advocate practicing in the Police Court at Alipore.
2. Mr. Chatterjee, learned advocate for the respondent no. 5 and 6, submits that there is civil suit for partition being T. S. No. 1390 of

2017 filed by the respondents against the petitioner. The elder son of the petitioner seeks partition of the late mother's share in the property.

3. The allegations in the writ petition are wholly denied by Mr. Chatterjee. Mr. Chatterjee, however, assures that the petitioner need not be in any way intimidated and he shall appropriately counsel his client not to disturb the petitioner in any way.
4. This Court has reposed faith in Mr. Chatterjee. However, in the event the petitioner is in any way disturbed or tortured, he may intimate Mr. Chatterjee (9831135528). In the event he does not receive any response, Bishnupur Police shall take appropriate steps to protect the petitioner. The elder son of the petitioner should not be seen as a front of the father.
5. The writ petition is disposed of.
6. There will be no order as to costs.
7. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

