

15.12.2023

**MAT 1872 of 2019
With
CAN 1 of 2020 (Old CAN 743 of 2020)**

**Namita Roy
Vs.
The State of West Bengal & Ors.**

Mr. Sandip Ghosh

... ... for the appellant

Mr. Asish Kumar Guha

Mr. Benazir Ahmed

... ... for the State respondents

Mr. P.S. Mondal

... ... for the respondent nos.4 to 7

1. Heard learned counsel for the appellant/petitioner and learned counsel for the respondents.
2. This appeal has been filed praying for setting aside the order dated 05.09.2019 passed by the learned Single Judge in Writ Petition No. 5320 (W) of 2018 (Namita Roy Vs. The State of West Bengal and others). Learned counsel for the appellant/petitioner admits that dismissal of the writ petition on ground of suppression of facts, does not suffer from any manifest error in law or fact. He, however, submits that non-mentioning of Title Suit No. 174 Of 2015 in the pleadings of the writ petition was due to inadvertence and thereby the appellant/petitioner could not gain anything. Therefore, imposition of cost to the tune of Rs. 1,00,000/- (Rupees one lakh only), is highly expensive and deserves to be reduced to Rs. 5,000/- (Rupees five thousand only). Learned counsel for the appellant/petitioner further states that the

appellant/petitioner is ready to deposit cost of Rs. 5,000/- (Rupees five thousand only). Learned counsel for the respondents does not oppose the aforesaid request of the appellant/petitioner.

3. In view of the aforesaid, the appeal is disposed of. Impugned judgment and order dated 05.09.2019 in Writ Petition No. 5320 (W) of 2018 (Namita Roy Vs. The State of West Bengal and others) passed by the learned Single Judge is modified only to the extent that the cost is reduced from Rs. 1,00,000/- (Rupees one lakh only) to Rs. 5,000/- (Rupees five thousand only). The cost shall be deposited by the appellant/petitioner with the West Bengal Legal Services Authority, Kolkata within three weeks.
4. With the aforesaid directions, the appeal is disposed of. The impugned order of the Writ Court is modified accordingly. Pending application, if any, also stands disposed of.

(Surya Prakash Kesarwani, J.)

(Rajarshi Bharadwaj, J.)