

28.11.2024
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IA No.: CAN 2 of 2024 [Sec. 5]
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IA No.: CAN 1 of 2023 [Restoration]
Sumitra Roy
– Versus –
The State of West Bengal & Others
in
WPLRT 342 of 2014

Mr. Bhudeb Bhattacharyya,
Mr. Soumitra Karmakar,
Ms. Chandrani Ganguly
... for the Petitioner/applicant.
Mr. Somnath Ganguli
... for the State/Respondents.

IA No.: CAN 2 of 2024 [Sec. 5]

1. The affidavit-of-service, as filed on today, is taken on record.

2. This is an application for condonation of delay in filing the restoration application, being IA No.: CAN 1 of 2023.

3. On perusal of the petition under consideration and after hearing the learned advocate for the respective parties, it appears that the writ petitioner was reasonably prevented on account of the illness of herself as well as on account of the illness of her learned advocate-on-record and thus, the said delay of eighty days in filing the application for restoration has occurred.

4. In our considered view, the delay in filing the restoration application, being IA No.:

CAN 1 of 2023 has been properly explained by the writ petitioner. Consequently, IA No.: CAN 2 of 2024 is hereby allowed.

5. Consequently, the delay in filing the restoration application, IA No.: CAN 1 of 2023 is hereby condoned.

6. The application, being IA No.: CAN 2 of 2024 is, thus, disposed of.

IA No.: CAN 1 of 2023 [Restoration]

7. This is an application for restoration of the writ petition, being WPLRT 342 of 2014 which was dismissed for default on September 21, 2023.

8. On perusal of the petition under consideration and after hearing the learned advocates for the respective parties, we are of the considered view that the petitioner is successful in justifying her absence in court on September 21, 2023 when the instant writ petition i.e., WPLRT 342 of 2014 was called for hearing.

9. As a result, the restoration application, being IA No.: CAN 1 of 2023 is hereby allowed.

10. Consequently, the order of dismissal as passed on September 21, 2023 in WPLRT 342 of 2014 is hereby recalled and it is restored to its original file and number.

11. The application for restoration, being IA No.: CAN 1 of 2023 is, accordingly, disposed of.

WPLRT 342 of 2014

12. List the matter in the combined monthly list of January, 2025 under the heading 'Hearing'.

13. Liberty is given to the parties to exchange their affidavits in the meantime.

14. Learned advocate for the writ petitioner is hereby requested to immediately communicate the server copy of this order to the private respondent nos.5 to 10 by speed post and to file the affidavit-of-service on the adjourned date.

(Partha Sarathi Sen, J.) (Tapabrata Chakraborty, J.)