

17.11.2023
Item No.90
Court No.1
CHC

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

W.P.L.R.T. 4 of 2023

Debashis Paul
Vs.
The State of West Bengal & ors.

Mr. Bikramaditya Ghosh, Advocate
Ms. Supriya Singh, Advocate
... .. For the writ petitioner

Mr. Hirak Barman, Advocate
Ms. Bedashruti Bose, Advocate
... .. For the State

Mr. Kunaljit Bhattacharya, Advocate
Mr. Haider Ali, Advocate
Mr. Satyam Sarkar, Advocate
... .. For the respondent no.5

The writ petition is directed against an order dated June 23, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in M.A. 639 of 2022 (O.A.1939/2022) (LRTT).

By the impugned order, the learned Tribunal condoned 258 days' delay in filing the Original Application.

In considering the condonation of delay, the Tribunal, found that the original applicant explained the delay adequately.

Learned advocate appearing for the writ petitioner contends that, the application for condonation of delay contains a ground that, the delay was caused due to the law clerk of the learned advocate not informing the original applicant as to the impugned order. He submits that, there are number of proceedings between the private parties where the same advocate was appointed by the original applicant and that, the original applicant filed several petitions in such proceeding through the same advocate and through the same law clerk involved. Therefore, according to him, the explanation advanced, is specious.

The private respondent is represented.

A Court is required to consider an application for condonation of delay leniently. The Court is to consider whether a plausible explanation for the delay exists or not. The Court may not insist upon a day to day explanation for the delay.

In the facts of the present case, the explanation for the delay is that the law clerk of the advocate failed to inform the original applicant as to the impugned order.

There are documents on record to suggest that, the original applicant was in contact with the law clerk during the period of 258 days' of delay. By that conduct, per se, does not lead to conclusive interference that, the law clerk informed the original applicant as to the impugned order. The possibility of the law clerk failing to inform the original applicant as to the impugned order despite the various interaction between them still remains. Therefore, the benefit of doubt should be extended in favour of the original applicant.

In such conspectus, we not minded to interfere with the impugned order.

WP.ST 4 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)