

D/L5
30.07.2024
Bpg.
ct.no.35

W.P.A.3715 of 2020
With
CAN 1 of 2024
With
CAN 2 of 2024

Kantimoy Singha
Versus
The State of West Bengal & Ors.

Ms. Soma Chowdhury (Bandhu)
Mr. Abhik Sarkar.
...for the petitioner.

Ms. Sukla Das Chandra.
...for the State.

In Re: CAN 2 of 2024

Affidavit of service so filed by the petitioner
be kept with the record.

Learned advocate appearing for the petitioner
prays for condoning the delay of 558 days for
preferring the application for restoration being CAN 1
of 2024.

The grounds so assigned in the application
for condoning the delay are found to be just and
sufficient. Thus, the delay is condoned.

According, CAN 2 of 2024 is allowed.

In Re: CAN 1 of 2024

Learned advocate appearing for the petitioner
submits that there was fault of the learned advocate
who was conducting the case on behalf of the

petitioner and, as such, none appeared before the Court, when the writ petition was called on 4th November, 2022. Consequently, the Hon'ble Court was pleased to dismiss the writ petition for default.

Learned advocate for the State is present and submits that in spite of the writ petition being filed in the year 2020, no care was taken till the year 2022.

Having considered that the petitioner cannot be penalised for fault of his lawyer, I am of the view that the prayer for restoration be allowed. Accordingly, the order dated 4.11.2022 is recalled. The writ petition be restored to its original file and number.

List the writ petition under the heading "Motion" on 16th August, 2024.

Accordingly, CAN 1 of 2024 is allowed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)