

30th August,
2024
(AK)
01

RVW 61 of 2024
IA No: CAN 1 of 2024
CAN 2 of 2024

Sri Tushar Kanti Karmakar
Vs.
Smt. Mita @ Mita Rani Basu Karmakar and others

Mr. Jibanratan Chatterjee
Mr. Kamal Das
Md. Housain
Mr. Subir Banerjee
Ms. Shweta Singh
Mr. Sudipta Mandal

...for the petitioner.

1. Heard learned senior counsel for the petitioner.
2. The order sought to be reviewed was passed as long back as on February 6, 2018.
3. The present appeal has been preferred only in the year 2024.
4. In the application for condonation of delay, no reason whatsoever has been made out, let alone sufficient, for condonation of the long delay of about six years in preferring the instant review application.
5. In paragraph no.6 of the application, where the explanation starts, it has been stated baldly that the petitioner is a senior citizen aged about 64 years and suffered from “various ailments”. As

such, it is stated, the petitioner could not immediately communicate with his learned Advocate then appearing for the petitioner and that the illness of the petitioner prevented him from “living his life works”, etc.

6. However, the nature of the ailments has not been stated at all, not even hinted in the said application.
7. A person of 64 years may very well suffer from various ailments, but the same cannot be sufficient to cause the prolonged delay of six years in preferring the present review application.
8. Again, in paragraph no.11 of the application it has been stated that the learned Advocate for the petitioner was seriously ill and he was suffering from “several disease” and was admitted in the Institute of Neuroscience Kolkata for Cerebrovascular treatment.
9. However, the document annexed at page-37 of the application merely shows that the learned advocate was hospitalized for the period between August 10 and August 13, 2022.
10. It is common knowledge that the COVID-19 Pandemic started, along with the associated lockdown, from the middle of March, 2020 and continued till about February 2022.

11. However, the long period of delay of two years from February 6, 2022 till March 15, 2020, when the pandemic lockdown started, has not been explained at all in the application.
12. Moreover, the three days' hospitalization of the learned Advocate could not have been a ground for the petitioner waiting for a further period of two years before preferring the present application for review.
13. At this juncture, learned senior counsel for the petitioner seeks liberty to file supplementary affidavit to furnish details of the causes of delay.
14. However, a supplementary affidavit by way of an amendment can only be permitted when the rudiments of the grounds exist in the original application.
15. The application for condonation of delay is not merely drafted with inadequate details, there are no factual averment whatsoever regarding the reason for delay for an extensive period in preferring the review application.
16. In such view of the matter, we do not find that sufficient explanation or cause has been shown for the prolonged delay of more than six years in filing the review application.

17. Hence, CAN 2 of 2024 is dismissed, thereby refusing to condone the delay in filing RVW 61 of 2024.
18. Hence, RVW 61 of 2024 and CAN 1 of 2024 are also dismissed consequentially.
19. There will be no order as to costs.
20. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Ajoy Kumar Mukherjee, J.)