

12 20.9.2023
Sc Ct. no.22

WPA 8418 OF 2019
with
I.A. No. CAN 1 OF 2023
(Application for recalling/restoration)

Somnath Nandy
Vs.
The State of West Bengal & Ors.

Mr. Biswarup Biswas	For the petitioner
Ms. Santeeta Roy	For the State Respondent

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Biswarup Biswas, learned counsel appears for the petitioner. He submits that, the law is well settled by the Division Bench of this Hon'ble Court - ***In the matter of : Sajal Kumar Hazra -vs.- State of West Bengal & Ors.*** rendered in ***RVW 62 of 2016 with CAN 2079 of 2016 with CAN 2078 of 2016*** and also ***In the matter of : Maruti Real Estate Pvt. Ltd. -vs.- Life Insurance Corporation of India,*** reported at ***(2008) 1 CHN 442*** that, there shall be no requirement of application of Section 5 of the Limitation Act in case of any interlocutory application filed in connection with a mother writ petition as because there is no limitation applies for filing a writ petition in view of ***Section 141*** of the ***Code of Civil Procedure, 1908.***

Be that as it may, the writ petitioner shall also file an application for condonation of delay in due course.

ACO The matter shall appear under the heading
“***Application***” on ***September 27, 2023***.

(Aniruddha Roy, J.)