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03.10.2024
Court No. **25**
D.Hira

WPA 10559 of 2014
With
CAN 5070 of 2018
With
CAN 5071 of 2018

Afroz Begum
Vs.
State of West Bengal & Ors.

Mr. Haradhan Mondal.
... for the petitioner

Mr. Jayanta Samanta,
Ms. Paromita Malakar.
... for the State

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

The applicant has moved two applications being CAN 5070 of 2018 along with CAN 5071 of 2018.

The application being CAN 5070 of 2018 filed by the applicant, is to seek recall of this Court's earlier order dated September 3, 2014 passed in W.P. No. 10559 (W) of 2014, thereby dismissing the writ petition for default and to restore the same in its original file and number.

The said writ petition was dismissed by this Court earlier, vide its order dated September 3, 2014.

Since the applicant has come up before the Court seeking restoration of this writ petition after 1362 days, he has filed the other application being CAN 5071 of 2018 to pray for condonation of such delay.

Mr. Haradhan Mondal, learned counsel appearing for the applicant/writ petitioner has submitted that the default of the writ petitioner and the subsequent delay was due to the laches on the part of the learned

conducting advocate, to which the writ petitioner had no role to play.

On behalf of Mr. Jayanta Samanta, learned counsel for the State, there has been vehement objection as to the prayer of the applicant as above, the ground being the cause of default or delay by the applicant being not sufficiently explained.

Having heard the submissions and having perused the records, this Court is of different opinion however, that the applicant/writ petitioner has been able to put forth the grounds sufficiently, to entertain his prayer as above.

For the reason as above, both the applications being CAN 5070 of 2018 and CAN 5071 of 2018 are allowed.

The delay of 1362 days by the applicant for filing CAN 5071 of 2018 is condoned.

The Court's earlier order dated September 3, 2014 is recalled.

The writ petition being WPA no. 10559 of 2014 is restored in its original file and number.

CAN 5070 of 2018 and CAN 5071 of 2018 are disposed of.

Let the State respondent come up with the affidavit-in-opposition with this case within a period of two weeks from the date of reopening of the Court.

Affidavit-in-reply, if any, thereto, shall be filed within one week thereafter.

Let the matter appear in the monthly list of December, 2024.

(Rai Chattopadhyay, J.)