

11.09.2024
Sl. No.4
akd

M. A. T. 1345 of 2024
(CAN 1 of 2024)
(CAN 2 of 2024)

[Protima Mal & Ors. -Vs- The State of West Bengal & Ors.]

Mr. Rajendra Banerjee
... .. for the appellants

Re : C. A. N. 2 of 2024

1. The application has been filed under Section 5 of the Limitation Act for condonation of delay.
2. Having considered the averments made in the application for condonation of delay and being satisfied with the explanation given, we are inclined to condone the delay in preferring the appeal.
3. The application being CAN 2 of 2024 is allowed.

Re : M. A. T. 1345 of 2024

4. Appellants challenged the election process on the ground that one of the ballot papers from their side i.e. petitioner no.10 in the writ petition had been torn and the appellants had lost the election by one vote.
5. Hon'ble Single Judge took into consideration subsequent development i.e. petitioner nos.10 & 13 had changed sides.
6. In view of such change in composition of two groups even if a fresh election is convened, it would not enure to the benefit of the appellants. It is trite that a court does not pass an order in futility.
7. In light of the aforesaid, we find no merit in the appeal and the same is accordingly, dismissed.

8. In view of dismissal of the appeal, connected application being CAN 1 of 2024 is also disposed of.
9. Interim order, if any, shall stand vacated.
10. There shall be no order as to costs.
11. Let photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)