

29.1.2025
Item No.30
BR

**WPA 21460 of 2017
With
IA No. CAN 3 of 2024**

Sikha Ghosh

-vs-

The Uluberia Municipality & ors.

Mr. Kanak Kiran Bandyopadhyay,
Ms. Chandana Ghosh
... for the petitioners
Mr. Rwitendra Banerjee,
Mr. Aritra Roy Chowdhury

.... For the private respondents

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

Re : CAN 3 of 2024

CAN 3 of 2024 has been preferred
praying for recalling the order dated
10.12.2024 wherein petitioner's applications
for restoration being CAN 1 of 2024 and CAN
2 of 2024 were dismissed for default.

On hearing both parties and in the
interest of justice CAN 3 of 2024 is allowed.

Order dated 10.12.2024 is hereby
recalled. CAN 1 and 2 of 2024 are restored
to its file and number.

Later

CAN 1 of 2024 and CAN 2 of 2024 is heard.

Re : CAN 2 of 2024

CAN 2 of 2024 is an application under Section 5 of the Limitation Act moved by the learned counsel for the petitioner in presence of the learned counsel for the opposite partis.

There is delay of 276 days in filing the application for restoration.

Considering the grounds as made out in the application and for the interest of justice, delay is condoned. The application being CAN 2 of 2024 is allowed.

CAN 2 of 2024 stands disposed of.

Re : CAN 1 of 2024

CAN 1 of 2024 is moved by the learned counsel for the petitioner in presence of the learned counsel for the opposite parties praying for restoration of the writ petition which was dismissed for default on 8.6.2023.

The grounds made out in the application and for the interest of justice, the restoration application being CAN 1 of 2024 is allowed. The order of dismissal dated 8.6.2023 is recalled. The writ application being WPA 21460 of 2017 is restored to its original file and number.

CAN 1 of 2024 stands disposed of.

Accordingly, CAN 1 of 2024 and CAN 2 of 2024 are disposed of.

Later

Learned counsel for the respondents submits that during the pendency of the writ application there has been substantial development before the civil Court and as such those facts have to be brought on record and prays for leave to file the relevant documents on affidavit.

Liberty is granted to the respondents to file an affidavit-in-opposition along with documents relied upon by 14th February, 2025. Reply, if any, be filed by 28th February, 2025.

The matter to appear in the Combined Monthly List of March, 2025.

(Shampa Dutt (Paul), J.)