

03.09.2024
Sl. No.11
akd

M. A. T. 2101 of 2023

[Ganesh Chandra Ghosh -Vs- The State of West Bengal & Ors.]

Mr. Kamalesh Bhattacharyya

Mr. Surajit Basu

... .. for the appellant

Mr. Soumya Majumder

Mr. Kinnor Ghosh

... for respondent nos.2 to 5

1. Mr. Kamalesh Bhattacharyya for the appellant seeks leave of this court to withdraw the appeal and file a suit challenging the order of dismissal. He further submits the period taken to pursue the writ petition and the appeal may be deducted for the purpose of computation of the period of limitation under Section 14 of the Limitation Act.
2. Heard Mr. Soumya Majumder for the respondent nos.2 to 5.
3. Having considered their submissions, we give leave to the appellant to file suit before the appropriate court of civil jurisdiction to assail the order of dismissal in accordance with law within a month from date. In the event the suit is instituted within the stipulated time frame, the period for which the appellant was pursuing his remedy before this court shall be deducted for the purpose of computation of the period of limitation in view of the principles engrafted in Section 14 of the Limitation Act.
4. With the aforesaid leave, appeal is disposed of.
5. Interim order, if any, stands vacated.
6. There shall be no order as to costs.

7. Let Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)