

13.8.2024
ct.25, sl. 195
sk

WPA 35569 of 2013
(CAN 2 of 2019)
Anjum Begum Nasim
vs
The State of West Bengal & Ors.

Mr. Biswarup Biswas.
...for the petitioner.

Mr. Pinaki Dhole,
Mr. Sayan Dutta.
...for the State.

CAN 2 of 2019 is for the recalling of the order of the Court dated 15.3.2019. The Court by dint of the same has dismissed the writ petition (WPA 35569 of 2013), for non-prosecution.

Mr. Biswas, learned advocate appearing for the applicant/writ petitioner submits that the petitioner was restrained for genuine and bona fide causes to be present in Court on the particular date, when the Court directed as above due to absence of the parties.

The petitioner has sought for an order to recall the order of the Court dated 15.3.2019 and restoration of the original writ petition.

The original writ petition, that is, WPA 35569 of 2013 has been dismissed by the court vide order dated 15.03.2019, due to non- prosecution. On behalf of the petitioner, it has been suggested that the recording is prima facie erroneous, in so far as the same cannot be taken, as a dismissal due to non-prosecution, but is a dismissal of the case due to default of the petitioner to

appear before the court. Unfortunately, this court lacks power to sit in appeal, over the order of the other Coordinate Bench, to assess error apparent there on, if any.

Since no sufficient ground has been made out before this Court to go into the previous order dated 15.3.2019, the application being CAN 2 of 2019 is dismissed.

(Rai Chattopadhyay, J.)