

24.09.2024

Item No.12

Ct. No.35

dc.

W.P.A. 9242 of 2020

+

CAN 1 of 2022

Partha Chakraborty

versus

The State of West Bengal & Ors.

Mr. Sankar Halder ... For the Petitioner.

Md. Shahjahan Hossain,
Ms. Sanjida Sultana,
Mr. Prithwiraj Biswas,
Mr. Sanwar Mallik
... For the Respondent Nos. 8, 9 & 10.

Re: CAN 1 of 2022

(an application for Restoration)

Affidavit-of-service filed in Court today be kept with the record.

Learned advocate for the private respondent nos. 8, 9 and 10 is present. However, none represents the State.

Learned advocate appearing for the petitioner submits that because of fever, he could not represent on the date when the writ petition was taken i.e. on 10.11.2022 and as such, the writ petition was dismissed for default.

In view of the fact that a litigant should not suffer because of the lawyer's absence, I am inclined to restore the writ petition. Accordingly, the application for restoration being CAN 1 of 2022 is allowed.

Let the writ petition be restored to its original file and number.

The writ petition be listed on 26.09.2024 under the heading “Motion”.

Learned advocate for the petitioner is directed to serve a notice upon the office of the learned Government Pleader, High Court, Calcutta informing the next date so fixed for hearing.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)