

18.12.2023
Ct. 654
D/L 11
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 6803 of 2022

With

CAN 1 of 2023

CAN 2 of 2023

Kanchan Kumar Sarkar

-Vs-

Union of India & Ors.

Mr. Binoy Kumar Das

... for the petitioner

Mr. Manwendra Singh Yadav,

Mrs. Saswati Chatterji,

Mrs. Satabdi Naskar (Kundu)

... for the respondent nos. 5 to 12

Re: CAN 2 of 2023 (Section 5)

And

CAN 1 of 2023 (Restoration)

CAN 2 of 2023 is an application for condonation of delay in filing the restoration application.

Mr. Binoy Kumar Das, learned advocate for the petitioner submits that there has been unintentional delay of 43 days in filing the application for restoration of the writ petition, which was dismissed for default on 4th September, 2023.

Mr. Manwendra Singh Yadav, learned advocate for the respondent nos. 5 to 12 leaves the matter to the discretion of the Court.

Perused the application.

It is found that the petitioner did not have the knowledge of dismissal of the writ petition for default. Cause shown is sufficient to condone the delay of 43 days in filing the restoration application. Accordingly, such delay in filing the application for restoration is condoned.

The application for condonation of delay being **CAN 2 of 2023** stands disposed of.

CAN 1 of 2023 is an application for recalling of the order dated 4th September, 2023.

Mr. Binoy Kumar Das, learned advocate for the petitioner submits that at the time when the matter was called, the petitioner for want of information could not appear, which led to dismissal of the writ petition for default.

Mr. Manwendra Singh Yadav, learned advocate for the respondent nos. 5 to 12 leaves the matter to the discretion of the Court.

The ground taken in the application for recalling of the order appears to be sufficient. Accordingly, the order dated 4th September, 2023 is hereby recalled.

The writ petition being WPA 6803 of 2022 is restored to its original file and number.

The application for restoration being **CAN 1 of 2023** stands disposed of.

Re: WPA 6803 of 2022

Affidavit-in-opposition and affidavit-in-reply filed by the respective parties are taken on record.

Copy served.

Let the matter appear three weeks after reopening of the Court after the ensuing Winter Vacation under the heading “***Hearing (Group-VIII)***”.

(**Bivas Pattanayak, J.**)