

Court No. 22

12.9.2023

(Item No. 11)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 6584 of 2018

+

CAN 1 of 2019 (Old No. CAN 11950 of 2019)

Pijush Kanti Mohanta

VS

The State of West Bengal & Ors.

Mr. Purnasish Ray

..... for the petitioner

Mr. Jyotiprakash Chatterjee

.... For the State

In Re: **CAN 1 of 2019 (old No. CAN 11950 of 2019)**

The previous order speaks for itself.

Today, the writ petition appeared under the heading **“For Dismissal”**.

This is an application for restoration of a writ petition which was dismissed for default on **April 10, 2019** coupled with a prayer for condonation of delay for about **213 days** in filing the said restoration application.

Mr. Purnasish Roy, learned advocate appears for the petitioner.

Mr. Jyotiprakash Chatterjee, learned advocate appears for respondent Nos. 1 to 3.

Considering the averments made in the said application in so far as the condonation of delay is concerned, this Court is satisfied with the sufficient cause as to why the writ petitioner was prevented from not applying for restoration of the writ petition within time. In as much as sufficient ground has also

been made out in the application as to why the writ petitioner was prevented from not being represented on **April 10, 2019** when the writ petition was dismissed for default.

In view of the above, there shall be an order in terms of **prayers (a) and (b)** to the application subject to payment of cost of Rs.2,000/- to be paid by the petitioner in favour of the benevolent fund of the Bar Association, High Court, Calcutta within seven days from date.

Subject to the above conditions being fulfilled the delay of 213 days shall stand condoned and the order of dismissal dated **April 10, 2019** shall be recalled.

The writ petition stands restored to its original file with number.

Accordingly, application being **CAN 1 of 2019 (old No. CAN 11950 of 2019)** stands allowed

(Aniruddha Roy, J.)