

DL-67

23.06.2025
Court No.26
(AD)

WPLRT 90 of 2025

**Santosh Banerjee
Vs.
The State of West Bengal & Ors.**

*Mr. Prosenjit Mukherjee, Advocate
Ms. Manisa Mandal, Advocate
Ms. Babita Pramanick, Advocate
... for the petitioner*

*Mr. Sk. Md. Galib, Ld. Sr. Govt. Advocate
Ms. Priyamvada Singh, Advocate
... for the State respondents*

1. Writ petition is directed against the order dated March 5, 2025 passed in MA 400,401 of 2017 (OA 1570 of 2014) of LRTT.
2. By the impugned order, the learned Tribunal was pleased not to accept the causes shown in the application for condonation of delay in making and filing the application for restoration. The learned Tribunal noted that, the delay was 210 days. The explanation offered was not accepted by the learned Tribunal since learned Advocate did not produce any medical prescription in support of the claim that the learned Advocate was ill.
3. State is represented.
4. We remind ourselves that, Courts are required to be lenient while considering an application for

condonation of delay. Moreover, fault of the Advocate should not befall the litigant.

5. In the facts and circumstances of the present case, it is apparent that the litigant was proceeding diligently. He engaged an Advocate for the purpose of conducting his case. The Advocate unfortunately did not appear on August 17, 2016 when the original application was dismissed for default. Thereafter, the Advocate took 210 days for the purpose of making and filing an application for restoration. The explanation offered is that, the learned Advocate was ill at that material point of time.
6. Although, the learned Tribunal was right in observing that, there was no evidence produced before the learned Tribunal in support of the claim of such Advocate, nonetheless, on the principle that, the fault of the Advocate should not be foisted upon the litigant, we deem it appropriate to accept the causes offered by the writ petitioner in the application for condonation of delay.
7. In such circumstances, we set aside the order dated March 5, 2025 and allow the applications being MA 400, 401 of 2017. We restore OA 1570 of 2014 to its original file and number.
8. Learned Tribunal is requested to hear and dispose of OA 1570 of 2014 on merits in accordance with

law.

9. **WPLRT 90 of 2025** is **disposed of** accordingly.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)