

01.08.2025
Sl. No. 21.
Ct.No.42
ss
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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 16100 of 2023

With

**CAN/1/2024,
CAN/2/2024**

**Swarnalata Maity @ Swarnalata Maiti
Vs.**

The State of West Bengal & Ors.

Mr. Kaushik Roy

..for the petitioner

Mr. Soumik Dey

... for the State

Mr. Sandip Das

Mr. Dipankar Bhandari,

...for the private respondents.

Re : **CAN 2 of 2024**

Affidavit of service filed on behalf of the petitioner
is taken on record.

This is an application under Section 5 of the
Limitation Act for condonation of delay in filing the
restoration application.

Upon going through the averments made in the
application for condonation of delay, it is found that, due
to various ailment of the applicant and her old age,
application for restoration could not be filed within the
stipulated period.

Accordingly, the cause shown is found to be
sufficient.

Hence, delay in filing the application for
restoration stands condoned.

Accordingly, the application being **CAN 2 of 2024** stands allowed.

Re: CAN 1 of 2024

This is an application for restoration of the writ petition.

By order dated 1st July, 2024, the writ petition was dismissed for default.

Learned Advocate for the petitioner submits that, due to ill-health of the conducting advocate, the petitioner could not be represented on the date the matter was called on. He seeks for restoration of the writ petition upon recalling of the order of dismissal.

Learned Advocate for the private-respondent submits that no cogent reason has been pleaded in the application. He seeks for dismissal of the application for restoration of the writ petition.

Learned Advocate for the State leaves the matter to the discretion of this Court.

Considering the averments made in the application, this Court finds that sufficient cause has been made out for restoration. Hence, the order of dismissal dated 1st July, 2024 is hereby recalled.

The application being **CAN 1 of 2024** stands allowed.

The writ petition being **WPA 16100 of 2023** is restored to its original file and number.

Re : WPA 16100 of 2023

List the matter on **18th August, 2025** under the heading '*Motion*'.

(Bivas Pattanayak, J.)