

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA  
Civil Appellate Jurisdiction  
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya  
&  
The Hon'ble Mr. Justice Uday Kumar

WPLRT 136 of 2025

Sanjit Kumar Saha  
Vs.  
State of West Bengal and Ors.

For the petitioner : Mr. Pratip Mukherjee,  
Mr. Amar Nath Agarwal, Advs.

For the State : Sk. Md. Galib, Ld. Snr. Govt. Adv.,  
Mr. Tamal Taru Panda, Advs.

Heard on : September 1, 2025.

Judgment on : September 1, 2025.

**Sabyasachi Bhattacharyya, J.:**

1. The present writ petition has been filed against an order whereby the Tribunal has dismissed the second restoration application of the petitioner, upon dismissal of the connected application for condonation of delay in filing the same.

2. It transpires, from the materials on record and upon hearing learned counsel for the petitioner and the learned Senior Government Advocate, that this was the second instance when the original application i.e. OA No. 3162 of 2014, filed by the writ petitioner, was dismissed for default.
3. The flimsy grounds taken in the condonation application before the Tribunal were also contradictory. Whereas in paragraph no. 3, the petitioner cites the illness of his wife, in paragraph no. 4 he cites his own illness for the delay. Even if, taking a liberal view, we were to construe the mention of such dual grounds as an inadvertent error, the nature and gravity of the purported illness of the wife is not described clearly in the application for condonation of delay, nor is it borne out clearly by the medical documents annexed. Thus, such purported illness has not been made out by the petitioner to be of such a grave nature that the petitioner could not attend his own application before the Tribunal.
4. Moreover, the premise of the explanation in the condonation application, rather than being the petitioner having to attend his ailing wife or to take her for treatment, is that the petitioner was “worrying” for such illness of his wife, which is, by itself,

quite unacceptable as a valid ground for the prolonged delay of about 422 days.

5. As such, we do not find any illegality in the impugned order of the Tribunal dismissing the application for condonation of delay and, consequentially, the second restoration application.
6. Even if the strong merit of the case made out in the original application was evident on the face of the challenge, it might have prompted us to take a lenient view in condoning the delay. However, we find that the parent challenge was directed against two notices of hearing issued by the Thika Controller, by which no substantive rights of the parties *per se* were adjudicated.
7. Hence, there is no scope of interference with the impugned order.
8. Accordingly, WPLRT 136 of 2025 is dismissed on contest without any order as to costs.
9. It is made clear that the merits of the contentions of the petitioner or the respondents in the thika tenancy proceedings have not been entered into by this court.

10. The parties and all concerned shall act on the server copy of this order, duly downloaded from the official website of this court.

I agree.

**(Sabyasachi Bhattacharyya, J.)**

**(Uday Kumar, J.)**