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17.04.2026
Ct. No.15
b.das

WPA 25491 of 2025
+
CAN 1 2026
+
CAN 2 2026

Deepika Jaidka
Vs.
The State of W.B. & Ors.

Mr. Sanjay Banerjee
Ms. Labony Ray ...for the applicant/petitioner.

Md. Farhaduddin
Ms. Sahina Sumi ...for the State.

Ms. Subhasree Patel
Ms. Shruti Mukhopadhyay
...for the respondent no.5.

In Re: **CAN 2 2026**

Affidavit of service filed by the applicant is taken on record.

The applicant/petitioner seeks condonation of delay in filing the application being CAN 1 of 2026 seeking modification of the order dated 26th November, 2025.

Heard learned counsels for the parties.

Good grounds being shown, the delay in filing the application being CAN 1 of 2026 is condoned.

The application being CAN 2 of 2026 is disposed of.

In Re: **CAN 1 2026**

The applicant/petitioner seeks modification of the order passed on 26th November, 2025.

Heard learned counsels for the parties.

Learned counsel for the applicant/petitioner submits that the 2nd paragraph of the order records that it is not in dispute that the petrol pump in question has been rented out to the private respondent by the petitioner who is the co-sharer thereof. Such observation is contrary to the fact. The private respondent has not been inducted as a tenant by the petitioner and the civil Court is dealing with the dispute with regard to such relationship between the parties.

Opposing such contention, learned counsel for the private respondent submits that the private respondent has been inducted as a tenant in respect of the petrol pump in question by the petitioner and has been paying rents for the same regularly.

Learned counsel for the State submits that the writ petition has already been disposed of by this Court and the Court has become functus officio. Modification of the order is not called for. The petitioner is at liberty to carry the order in appeal, if so advised.

I have considered the rival contention of the parties. The 1st line of the 2nd paragraph of the order records the undisputed fact that the petrol pump has been rented out to the private respondent by the petitioner. The order has been dictated in open Court to the hearing of learned counsels for both the parties and is a result of the submission made on behalf of the parties.

In view of the above, this Court is inclined to hold that subsequent prevarication from the earlier contention of the petitioner has no legal sanction and cannot be entertained. There is no ground for modification of such factual aspect of the matter which has been dealt with and decided in open Court.

In view of the above, the application being CAN 1 of 2026 is dismissed.

There shall, however, be no order as to costs.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)