

08.05.2025.
Item No. 30.
Court No. 13
ap

M.A.T. No. 1921 of 2015
With
I.A. No. CAN 1 of 2017 (Old CAN 278 of 2017)
And
I.A. No. CAN 2 of 2017 (Old CAN 279 of 2017)
And
I.A. No. CAN 3 of 2021
And
I.A. No. CAN 4 of 2021
And
I.A. No. CAN 5 of 2021
And
I.A. No. CAN 6 of 2021

Smt. Swaraswati Karan
Versus
State of West Bengal & Ors.

Mr. Ramdulal Manna,
Ms. Manju Manna (Dey),
Mr. Sayan Mukherjee.

...For the appellant.

Mr. Jahar Lal De,
Ms. Debarati Sen (Bose).

...For the State.

Re: CAN 278 of 2017

1. CAN 278 of 2017 is an application for condonation of delay of 2460 days in filing the instant appeal.
2. The appellant appears to have clearly blamed her Advocate, one Mr. Basudeb Bag, who as indicated before this Court by Mr. Manna, learned Counsel appearing on behalf of the appellants, is not coming to Court anymore.
3. The averments made in paragraphs 7, 8, 9 and 10 of the said application are as follows:

“7. That since after filing the aforesaid writ application your applicant on numbers of occasions meeting Mr. Basudeb Bag, the learned advocate for the petitioner for having the matter heard at an

early date but in spite of his best effort he could not have the matter listed for hearing.

8. *That some times in the month of September, 2008 your applicant having contacted said Mr. Bag, the learned advocate of the applicant, the applicant was informed that she need not contact him any further and he will inform the applicant when the matter will be listed for hearing and ask for the fees for hearing of the matter.*

9. *Your applicant states that as the applicant did not receive any intimation regarding hearing of the case for long the applicant tried to contact said Mr. Basudeb Bag in the month of October, 2014, in his Chamber at 6, Kiran Sankar Roy Road but failed to meet him as he was irregular in coming to the court due to his wife's sad demise.*

10. *That lastly the applicant having collected the residential address of said Mr. Basudeb Bag, from one Ananta Dalapati, your applicant though contacted with him on 22.11.2015 at his resident at Dum Dum Bediapara, when said Mr. Bag without disclosing the order of rejection of the writ application dated 27.03.2009 for the reasons best known to him returned the brief as he has almost left the court for his some personal problem."*

4. There is no explanation as to the number of occasions the appellant tried to contact Mr. Bag about her writ petition. There is no explanation as to the manner in which she contacted Mr. Bag from the date of filing of the writ petition till September, 2008.

5. The petitioner appears to have been silent from 2008 till October, 2014 with regard to what she did about her matter. There is no explanation from October, 2014 until 22nd November, 2015 as to what steps she took to ascertain the fate of her matter.

6. The appellant claims that she came to know of the dismissal of her writ petition on 27th March, 2009 from a Clerk of this Court one Mr. Dalapati on 22nd November, 2015.

7. No complaint has been lodged against the said Basudeb Bag by the appellant.

8. It further appears that neither Mr. Bag nor Mr. Dalapati have been made party respondent in the contempt application. No leave to that extent has been prayed for.

9. In these circumstances, this Court is not inclined to entertain the application for condonation of delay of 2460 days in filing the instant appeal.

10. Hence, the application being CAN 278 of 2017 shall stand dismissed. Consequently CAN 279 of 2017 and all other pending applications shall also stand dismissed.

Re: M.A.T. 1921 of 2015

11. MAT 1921 of 2015 is not admitted by this Court and is hereby dismissed.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)

