



2023:CHC-AS:27420

20.04.2023
Sl. No.39(DL)
srn

**CAN 1 of 2023
With
CAN 2 of 2023
In
W.P.A. No. 22249 of 2019
Sushanta Barik
Versus
State of West Bengal & Ors.**

Mr. Abhisek Banerjee
...for the Applicant/Petitioner.

Re: CAN 2 of 2023

Despite service, none appears on behalf of the respondents. Affidavit-of-service is taken on record.

This is an application under Section 5 of the Limitation Act for condonation of delay in filing the restoration application being CAN 1 of 2023. The writ petition being WPA No.22249 of 2019 was dismissed for default by an order dated November 22, 2022. The application for restoration of the writ petition was filed on January 31, 2023, that is, beyond the period prescribed by law.

The delay is condoned. The court is satisfied with the reasons pleaded in paragraph 3 of the said application.

The application being CAN 2 of 2023 is allowed and disposed of accordingly. CAN 1 of 2023 is registered.



Re : CAN 1 of 2023

This is an application for restoration of the writ petition being WPA No.22249 of 2019 upon recalling the order dated November 22, 2022, by which the writ petition being WPA No.22249 of 2019 had been dismissed for default.

Having perused the grounds stated in paragraph 3 of this application, this Court is satisfied that the petitioner was prevented by sufficient cause from attending the Court when the writ petition was dismissed for default.

Let the order dated November 22, 2022 be recalled.

The writ petition being WPA No.22249 of 2019 is restored to its original file and number.

The application being CAN 1 of 2023 is allowed and disposed of accordingly.

Re: WPA No. 22249 of 2019

Let the writ petition be listed in the Monthly List of **May, 2023** under the heading “**Upgraded Motion**”.

The petitioner is directed to serve copy of this writ petition along with a server copy of this order upon all the respondents.

Affidavit-of-service to be filed on the next date.

(Shampa Sarkar, J.)