



OD-1

IA No.GA/6/2018 (Old No.GA/3493/2018)
WPO/624/2008

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SUPRIYA DUTTA

-Versus-

THE STATE OF WEST BENGAL & ORS.

BEFORE :
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 17th March, 2023

Appearance :

Mr. Kushal Chatterjee, Adv.
Mr. Biwajyoti Mitra, Adv.
Mr. R. Manna, Adv.
...for the petitioner.

Mr. Satyajit Talukdar, Adv.
Ms. Sanchari Chakraborty, Adv.
Ms. Akanshya Chowdhury, Adv.
...for the KMDA.

The Court : In spite of service, none appears for the State and the private respondent.

After hearing the learned Advocates for the parties and upon going through the averments made in the application and the affidavit-in-opposition and the reply thereto, this Court finds that the learned Advocate-on-record of the petitioner was admitted to a nursing home on November 22, 2015 and was discharged only on December 7, 2015 and the writ petition stood dismissed for default on December 4, 2015.



The petitioner files this application for recalling of the order dated December 4, 2015 along with a prayer for condonation of delay of 973 days in filing the application for recalling of the order of dismissal.

Mr. Talukdar, learned Counsel representing the KMDA vehemently opposes the prayer for restoration of the writ petition and the condonation of delay in filing the same. He submits that the delay in filing the said application is enormous.

It has been specifically stated in paragraph 12 of the said application that the fact of dismissal of the said writ petition came to the knowledge of the learned Advocate on record for the petitioner only in April, 2018.

Considering the fact that the learned Advocate-on-record was hospitalised at the relevant point of time, this Court is of the view that though the delay in filing the said application has not been properly explained, but the petitioner should not be made to suffer due to the illness of his learned Advocate-on-record. In view thereof, this Court is inclined to exercise its discretion in favour of the petitioner and allow this application (IA No.GA/6/2018) and condone the delay of 973 days in filing this application subject, however, to payment of costs assessed at Rs.10,000/- to be paid to the State Legal Services Authority (SLSA) by 28th March, 2023. Accordingly,



the delay in filing the application is condoned and the order dated December 4, 2015 is recalled and WPO/624/2008 is restored to its original file and number. The authority is directed to accept the above payment in terms of this order upon production of a server copy of this order. Needless to mention, that in case of default in payment of the aforesaid sum in terms of this order within the time limited indicated hereinbefore, this order shall automatically stand recalled without any further reference to the Court.

Subject to the above, list the writ petition in the monthly list of April, 2023.

Learned Advocate for the petitioner is directed to communicate this order to the learned Advocates for the non-appearing respondents on or before the next date of hearing.

(HIRANMAY BHATTACHARYYA, J.)

As.