

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA (P)/5/2023

IA No.CAN/2/2026,CAN/3/2026

Dr. Manish M. Chandi And Anr.

Vs

Union of India and Ors.

Mr. Yogesh

[through virtual mode]

Mr. Manas Ajai Sonkar

Mr. K.Md.Sheheer

... for the petitioner

Mr. Rakesh Kumar

... for the respondents

July 28, 2026

[SR]

Item No.22

1. After having heard two several counsels on behalf of the applicant in CAN/2/2026, this Court finds that the explanation of delay of 501 days in filing CAN/1/2026 is far from satisfactory. There are allegations against the erstwhile advocate on record of the petitioner. The said advocate has not been impleaded as a respondent in this proceeding. There is no evidence to indicate number of times that petitioner contacted his advocate on record.

2. While ill-health and surgery of the petitioner number 1 is the next ground, the period for which the petitioner was under medical incapacitation or rest has not been indicated. With regard to the decision of the Supreme Court in the case of ***Shivamma (Dead) by LRs. v. Karnataka Housing Board*** reported in 2025 INSC 1104, this Court is of the view that the application for delay is obviously devoid of particulars, CAN/2/2026 shall stand dismissed.

3. The dismissal of the writ petition for default on 9th August, 2024 shall not prevent the petitioner from taking out a fresh proceeding in accordance with law on the self same cause of action.

(Rajasekhar Mantha, J.)

(Partha Sarathi Sen, J.)