

N.22Sl
151/CL
04.10.24
Sl-22
Ct.33
(S.R.)

WPA 12538 of 2016

With

CAN 1 of 2024

With

CAN 2 of 2024

Rupok Kumar Chakraborty

v.

The Branch Manager LIC India & Ors.

Mr. Tarapada Das

Ms. Pampa Saha ... for the petitioner.

Ms. Tanushree Dasgupta

... for the LIC.

In re: CAN 1 of 2024 and CAN 2 of 2024

Affidavit of service filed by the learned advocate on behalf of the petitioner be kept on record.

The learned advocate for the petitioner has filed an application being CAN 1 of 2024 praying for restoration of the instant writ petition, which was dismissed for default vide order dated 9th July, 2024. It was further submitted that the application being CAN 2 of 2024 has been filed for condoning the delay of 67 days in filing the restoration application.

Considering the averments of paragraphs 6, 7 and 8 of the application being CAN 2 of 2024 and for ends of justice, let the writ petition be restored to its original file and number.

Accordingly, the applications being CAN No.1 of 2024 and CAN No.2 of 2024 are disposed of.

The learned advocate for the respondent/LIC is present, who had objected to such prayer of the writ petitioner.

The learned advocate for the writ petitioner is to serve a copy of the writ petition along with annexed documents upon the learned advocate for the respondent/LIC prior to the next date of hearing.

Next date be fixed on 16th December, 2024.

(Ananya Bandyopadhyay, J.)

Records reveal that the application being CAN No.2 of 2024 has been preferred praying for condonation of delay towards preference of the restoration application being CAN No.1 of 2024.

Upon hearing the learned advocate appearing for petitioner and upon considering the materials on record, I am satisfied with the explanation given towards the delay in preferring the restoration application and towards the absence of the learned advocate of the petitioner before this Court on 9th July, 2024 when the writ application was dismissed for default.

Accordingly, the delay of 67 days towards preference of the restoration application is condoned and the order dated 9th July, 2024 is recalled. The writ petition is restored to its original file and number.

The applications being CAN No.1 of 2024 and CAN No.2 of 2024 are, accordingly, disposed of.

The learned advocate appearing for the respondent/LIC vehemently opposed such contention of the learned advocate for the petitioner.

The learned advocate for the petitioner is directed to serve a copy of the writ petition along with the annexed documents upon the learned advocate for the respondent/LIC prior to the next date of hearing.

Next date be fixed on 16th December, 2024.

(Ananya Bandyopadhyay, J.)