
(2013) 01 CAL CK 0012
In the Calcutta High Court
Case No : Writ Petition No. 10154 (W) of 2001

Guru Charan Ghosh

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 08-01-2013

Acts Referred:

Citation : (2013) 4 WBLR 917

Hon'ble Judges : Biswanath Somadder, J

Bench : Single Bench

Judgement

Biswanath Somadder, J.—This is an old matter which was last taken up for consideration on 9th October, 2012, when none appeared in support of the application. Hence, the matter stood dismissed for default. Thereafter, at the instance of the writ petitioner, the matter was restored to its original file and number, by an order dated 7th December, 2012, passed in a restoration application, being CAN 10262 of 2012. Today, again, when the matter appears under the heading "Old Matter", there is no one present to come forward to prosecute the matter. Once a matter stands dismissed for default and is subsequently restored by an order of the Court, the onus of prosecuting the matter, in right earnest and promptitude, shifts heavily upon the applicant/petitioner. There cannot be any justification for the Court to show any kind of indulgence, if there appears to be no positive effort on the part of the applicant/petitioner to press the matter, consequent upon its restoration. Valuable time of Court is lost in the process of having a matter, which is initially dismissed for default, restored subsequently and thereafter, taken up for consideration, once again. If - even at this stage - the applicant/petitioner does not show any inclination to come forward and prosecute the matter, it certainly tantamounts to taking the Court for granted and is a gross abuse of process of Court. Allowing such a matter to remain in the list indefinitely, till such time someone comes forward to press the application, will also send a wrong signal from the judiciary - which is already overburdened with litigation - to the general public.

2. For reasons stated above, the writ petition is liable to be dismissed and is accordingly dismissed.