
(2012) 08 CAL CK 0093
In the Calcutta High Court
Case No : Writ Petition 18290 (W) of 2011

Smt. Gitarani Rakshit

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 17-08-2012

Acts Referred:

Citation : AIR 2013 Cal 59

Hon'ble Judges : Biswanath Somadder, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Biswanath Somadder, J.—This restoration application has been taken out pursuant to the leave granted to the applicant/petitioner by this Court on 3rd August, 2012, when the Court had dismissed the applicant's previous restoration application, being CAN 4201 of 2012. It has been stated in the instant application, inter alia, that the applicant/petitioner is not at fault. She all along has been diligent in conducting the case and there has been no laches and negligence on her part.

2. The fact that no one comes in support of the instant application when it is taken up for consideration is an indicator that the applicant/petitioner is not at all diligent in conducting her case. There cannot be any plausible reason for keeping an application for restoration pending indefinitely, since such an application is only taken out when a matter is dismissed for default and there is an urgent necessity to have the main matter restored to its original file and number for the purpose of having it heard on merit. An application for restoration ought to be pursued vigorously and prosecuted with right earnest and not kept pending for an indefinite period of time. If a restoration application is not prosecuted with due diligence and prompt dispatch, the Court will necessarily presume that the applicant/petitioner has been negligent in conducting his/her case. For reasons stated above, the instant application is liable to be dismissed and is accordingly dismissed.