

Party Name : RANJAN SAHA Vs TAPAN KR. SAHA & ANR

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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Heard.

This is an application for condonation of delay in restoring the appeal. There is delay of 212 days in filing the application.

I have perused the record of the main MAC Appeal and I find that on 26.6.2014 Mr. D Bhattacharji, learned counsel for the appellant, had withdrawn from the case. Mr. S K Dutta was also not present on that day and, therefore, notice was sent to the claimant-appellant at the address given in the grounds of appeal. This notice was made returnable for 31.7.2014. On the said date, none had appeared for the appellants and the notice was returned to this Court undelivered. Since none had appeared this Court had dismissed the case in default.

In the application filed the claimant has stated that after filing of the appeal he had changed his residence and is now residing at a different address and therefore, the notice was never served upon him. Therefore, the delay in filing the application is condoned.

CM application is disposed of.