

17.12.2020

Mithun
List – D/L
Sl. No. 03
Ct. No. 09

S.A/326/2004

with

**I.A No: CAN/1/2018 (Old No: CAN/2154/2018),
CAN/2/2018 (Old No: CAN/2157/2018)**

Mahabir Prasad Agarwalla

-Vs.-

Bishamvar Dayal Agarwal & Ors.

with

COT/1441/2003

Agarwal Mondal

With

Mahabir Prasad Agarwal

with

COT/1689/2003

Bishamvar Dayal Agarwal & Ors.

With

Mahabir Prasad Agarwal & Anr.

S.A/327/2004

with

**I.A No: CAN/1/2018 (Old No: CAN/2155/2018),
CAN/2/2018 (Old No: CAN/2156/2018)**

with

Mahabir Prasad Agarwalla

-Vs.-

Bishamvar Dayal Agarwal & Ors

Mr. Santanu Das, Adv.

...for the Petitioner.

Both the appeals were dismissed for default vide order dated 30th August, 2016. The appellant filed separate applications for restoration of the appeals with application under Section 5 of the Limitation Act.

In the meantime, the sole appellant also died and application for substitution was also filed in both the appeals.

The above-mentioned applications are required to be heard after service of notice of the applications upon the respondents/opposite parties.

Accordingly, the petitioners are directed to serve copies of the applications to the respondents under registered speed post with acknowledgement due within one week from the date of this order and shall file affidavit-of-service immediately on receipt of the service return or postal remark, whichever is earlier.

The petitioners are at liberty to mention the matter after service is complete so that the applications may be heard at an early date.

Petitioner is at liberty to file supplementary affidavit explaining the delay in filing the restoration application and substitution application and serve the copy of the same to the opposite parties within the time frame as mentioned above.

(Bibek Chaudhuri, J.)