

25.03.2021.
Item No. 12

S.A. 155 of 2018
With
C.A.N. 1 of 2018 (Old No. C.A.N. 7539 of 2018)

Sri Gopal Naiya
Vs.
Sannyasi Naskar.

Mr. Jiban Ratan Chatterjee,
Mr. Sk. Abdus Salam,
Mr. S. K. Bhattacharjee.
... for the appellant/applicant.

Re: C.A.N. 1 of 2018 (Old No. C.A.N. 7539 of 2018)

The affidavit of service filed in Court today is kept with the record. Despite service there is no representation on behalf of the respondent.

This is an application for recalling of the order dated 28th August 2018 passed by one of the Division Bench of this Court.

Upon perusing the averments made in the application and after hearing the submissions advanced by the learned Advocate for the appellant, we are satisfied that the appellant was prevented by sufficient cause in not appearing on 28th August 2018, when the appeal was dismissed for default.

The application for restoration being C.A.N. 1 of 2018 (Old No. C.A.N. 7539 of 2018) is allowed. The appeal is restored to its original file and number.

Let the appeal be listed after two weeks under the heading "Order XLI Rule 11".

ab

(Harish Tandon, J.)

(Abhijit Gangopadhyay, J.)

