

12.07.2023
SL No.13 & 14
Court No. 551
Ali

**IN THE HIGH COURT AT CALUTTA
Civil Appellate Jurisdiction**

**FMA 970 of 2013
IA No: CAN/2/2019 (Old No:CAN/11844/2019)**

**Md. Firoz
Vs.
Sri Ashoke Kr. Singh & Anr.
With**

**COT 29 of 2009
The New India Assurance Co. Ltd.
Vs.
Md. Firoz & Anr.**

Mr. Sujoy Guha Roy

...for the appellant.

The affidavit of service filed on behalf of the
appellant is taken on record.

CAN/2/2019 (Old No:CAN/11844/2019)

It appears from the affidavit of service that
the service of CAN upon the insurance company is
complete.

None appears on behalf of the insurance
company.

This is an application for recalling/
modifying of the order passed by this court dated
14th November, 2019. Heard the learned advocate
and perused the petition of CAN.

Considering the fact that the instant
application for restoration was filed within a
statutory period of limitation and after considering
the ground thereof the **CAN/2/2019 (Old
No:CAN/11844/2019)** is disposed of with a

direction that the order for dismissal passed by this court on 14th November, 2019 is hereby recalled.

The FMA 970 of 2013 is hereby restored to its original file and number.

The appellant is directed to serve a notice upon the respondent regarding the fact of restoration of the appeal through registered Speed Post with Acknowledgement Due.

Let the matter appear in the monthly list of August, 2023.

The appellant shall file an affidavit of service on the returnable date.

(Subhendu Samanta, J.)