

S/L 48.
5.02.2021
S.D.

S.A. 255 of 2008
With
CAN 4 of 2011 (Old No. CAN 3817 of 2011)
CAN 6 of 2020 (Old No. CAN 538 of 2020)

Hare Krishna Gupta
Vs.
Suren Gorai & Anr.

Mr. Haradhan Banerjee, Sr. Adv.,
Mr. A. Pain
Mr. S. Datta

...For the Appellant/petitioner.

Affidavit of service filed on behalf of the
Appellant/petitioner be kept on record.

In re: **CAN 6 of 2020 (Old No. CAN 538 of 2020)**

This is an application for restoration of appeal by recalling the order dated 11.11.2019 passed by Hon'ble Justice Suvra Ghosh on condoning the delay of 35 days in preferring the appeal.

It is submitted that the matter appeared on 23.4.2019 in the list of Hon'ble Justice Bibek Chaudhury when the learned Senior Advocate engaged in the above appeal appeared on behalf of the appellant/petitioner and prayed for time on the ground of Advocate on Record being seriously ill and the order was passed to the effect that the matter should go down

from the list. The appellant/petitioner came to the chamber of the learned Advocate on 12.1.2020 and wanted to know the fate of the appeal and on enquiry it was learnt that the appeal was dismissed for default.

Having heard the learned Senior Advocate for the appellant in consideration of the explanation offered being sufficient, the order of dismissal dated 11.11.2019 is recalled and the Second Appeal being S.A. 255 of 2008 be restored to its original file and number.

Thus, **CAN 6 of 2020 (Old No. CAN 538 of 2020)** is disposed of.

No order as to costs.

Let the matter appear in the Monthly List of March 2021.

Urgent certified copies of this order, if applied for, be given to the parties upon compliance of the usual formalities.

(Shivakant Prasad, J.)