

08.03.2022
Item No.13
Ct. No.7
CHC

**S.A.14 of 2014
IA NO: CAN/2/2020 (Old No: CAN/673/2020)
CAN/3/2020 (Old No:CAN/674/2020)
CAN/4/2021
(Physical Hearing)**

**Mostabar Molla & ors.
Vs.
Md. Azibar Molla**

Mr. N. G. Sarkar,
Mr. Devranjan Das
...for the petitioners/appellants

Mr. Suprabhat Bhattacharya
...for the respondent/opposite party

In Re: IA NO: CAN/2/2020 (Old No:CAN/673/2020)

The instant CAN application is relatable to prayer for condonation of delay of 72 days in filing the restoration application.

Without any controversy the Second Appeal was dismissed for default on 4th November, 2019. The affidavit-of-service lying with the record reveals that copy of the application has already been served upon the respondent/opposite party.

The affidavit-of-service is accompanied by a track report obtained from official website of Postal Authority.

Nobody appears for the opposite party either physically or in virtual mode complying with the formalities.

Despite the opportunity being granted to opposite party/respondent, the same goes unavailed of.

Mr. N.G. Sarkar, learned advocate appearing for the petitioners/appellants submits that delay has been explained in paragraph-‘2’ of the condonation application.

Having considered the submission of learned advocate for the petitioners/appellants, and the explanation of delay already offered in the relevant averment of the application, the delay stands condoned.

The application being IA NO: CAN/2/2020 (Old No;CAN/673/2020) is thus disposed of.

In Re: IA NO:CAN/3/2020 (Old No:CAN/674/2020)

Another application being IA NO:CAN/3/2020 (Old No:CAN/674/2020) is for restoration of Second Appeal No.14 of 2014, which got dismissed on 4th November, 2019.

Having considered the submission of learned advocate for the appellants, the appeal be restored to its original file and number.

The appeal be listed for hearing after fortnight under the heading Second Appeal.

In the meantime, learned advocate for the appellants is directed to issue a notice upon the respondent intimating the restoration of the Second Appeal and the next returnable date by Speed Post with Acknowledge Due and furnish affidavit-of-service on the next date fixed.

List the matter accordingly after a fortnight.

(Subhasis Dasgupta, J.)