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20-01-2022
debajyoti
(Ct. no.06)

(Via Video Conference)

**MAT 343 of 2019
with
IA NO:CAN/3/2019
(Old NO:CAN/9571/2019)**

**Sri Gouridas Maji
Vs.
State of West Bengal & Ors.**

Mr. Prabir Maji ... Applicant-in-person.
Mr. Anirban Ray, learned G.P.,
Mr. Pinaki Dhole,
Mr. Avhishek Prasad ... For the State.

Re : CAN 9571 of 2019

This is an application for restoration of the application for condonation of delay in filing the appeal, which was dismissed for default on September 11, 2019. Consequently, the appeal was dismissed as ‘time barred’.

We have seen the averments in the restoration petition. We have heard learned counsel for the parties. Sufficient explanation has been given for non-appearance of learned advocate for the appellant on the day the matter was dismissed for default.

The order dated September 11, 2019, is recalled. CAN 7710 of 2019, CAN 7709 of 2019 and MAT 343 of 2019 are restored to their original files and number.

The application being CAN 9571 of 2019 is, thus, allowed.

Re : CAN 7710 of 2019

This application is taken up by treating the same as on the day’s list.

This is an application for condonation of delay of 133 days in filing the appeal. Causes shown being sufficient, the delay is condoned.

The application being CAN 7710 of 2019 is, thus, allowed.

Re : CAN 7709 of 2019

The application is taken up by treating the same as on the day's list.

This is an application for substitution. The sole appellant, Gouridas Maji, passed away on May 10, 2019. His legal heirs have applied for being substituted in his place and stead.

The application has been made within time. We see no reason not to allow the application. The application being CAN 7709 of 2019 is, thus, allowed.

Let the name of the original appellant be deleted from the cause title of the appeal papers and the names of the applicants in CAN 7709 of 2019 be substituted in the place and stead thereof. The department shall carry out the necessary amendment to the cause title within three weeks from date.

After the amendment is carried out, the amended copies of the appeal papers shall be served on learned advocate for the State.

List the matter four weeks hence.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)