

D/L.6.
April 1, 2025.
MNS.

SAT No. 156 of 2017
+
CAN 1 of 2018 (Old CAN 1772 of 2018)
+
CAN 2 of 2019 (Old CAN 12543 of 2019)

Sri Ashok Sarkar
Vs.
Pasupati Sarkar, since deceased,
represented by Smt. Renuka Nayek
and others

Mr. Tapan Coomar Dey,
Mr. Subrata Bhattacharjee

... for the appellant.

Re : CAN 2 of 2019 (Old CAN 12543 of 2019)
(restoration application)

1. This is an application for restoration of the appeal, which was dismissed at the admission stage by a co-ordinate Bench.
2. Since on the date of dismissal, none had appeared for the respondents as well and there is no caveat, we treat the scenario to be one under Order IX Rule 4, read with Section 107, of the Code of Civil Procedure and take up the application for restoration for hearing *ex parte*.
3. Being satisfied with the reasons for the absence of the appellants on the relevant date, CAN 2 of 2019 (Old CAN 12543 of 2019) is allowed, thereby recalling the order dated December 3, 2019 and restoring SAT No. 156 of 2017 to its original file and number.

4. There will be no order as to costs.

Re: SAT No. 156 of 2017
+
CAN 1 of 2018 (Old CAN 1772 of 2018)

5. Let the appeal and the connected pending application be listed under the heading “Order XLI Rule 11” on April 7, 2025.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)