

28.04.2022
(D/L-71)
Ct.-18
(Susanta)

S.A 114 of 2003
With
I.A. No. CAN 2 of 2003 (Old CAN 7482 of 2003)
I.A. No. CAN 4 of 2021

Tapan Kumar Biswas
-Vs-
Mahadev Biswas & Anr.

With
S.A. 71 of 2002
I.A. No. CAN 2 of 2001 (Old CAN 9534 of 2001)
(Not in file)

Shri Panchu Gopal Biswas & Ors.
-Vs-
Sri Tapan Kumar Biswas

Mr. Suprabhat Bhattacharyya,
Mr. Dilip Kumar Chatterjee,
Mr. Manojit Pal,

.... For the Appellant.

Mr. Amit Kumar Ghosh,

... For the Respondent No. 1.

Re: I.A. No. CAN 4 of 2021

This is an application for recalling of the order dated March 5, 2021 whereby the present appeal along with S.A 71 of 2002 were dismissed for default.

The application has been filed by the appellant of S.A No. 114 of 2003.

Perused the application, it appears that the appellant was prevented by sufficient cause from appearing before the Court when the appeal was called on for hearing.

Therefore, the order dated March 5, 2021 so far it relates to dismissal of the appeal being S.A 114 of 2003 is recalled consequently the said appeal is restored to its original file and number.

I.A. No. CAN 4 of 2021 is thus allowed without any order as to costs.

Mr. Amit Kumar Ghosh, learned advocate appears on behalf of the respondent No. 1 and submits that he has filed Vakalatnama in the department under filing No. A-7446 dated April 27, 2022.

The department is directed to tag the said Vakalatnama with the record.

The appellant is required to put in requisite for service of notice of appeal upon the respondent no. 2 within a week from date.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)