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26-09-2023
(Ct. no.06)
debajyoti

**IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
APPELLATE SIDE**

**MAT 1229 of 2021
+
IA NO:CAN/3/2021**

**Somnath Maity & Ors.
Vs.
Sri Uttam Kumar Maity & Ors.**

Mr. Gourab Ghosh
... For the Applicants/Appellants.

Re : CAN/3/2021

This is an application for restoration of the appeal being MAT 1229 of 2021 and the connected applications being CAN 1 of 2021 and CAN 2 of 2021, which were dismissed for default on December 07, 2021.

We have heard learned advocate for the applicants. Sufficient explanation has been given for non-appearance of learned advocate for the applicants/appellants on the day the matter was dismissed for default.

Accordingly, the order dated December 07, 2021, is recalled. The appeal and the connected applications are restored to their original files and numbers.

The application being CAN 3 of 2021 is, thus, allowed.

Since the respondents are not represented, learned advocate-on-record for the applicants/appellants shall communicate this order to the respondents.

Let the appeal and the connected applications be listed on **October 03, 2023** under the heading **“Applications”**.

Meanwhile, the appellants are directed to cure the defects, as pointed out by the Additional Stamp Reporter.

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 all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)