

20.01.2025
Item No.01
Court No.11
Avijit Mitra

**FMA 152 of 2018
with
IA No.CAN 1 of 2017 (Old No.CAN 11955 of 2017)
with
IA No.CAN 2 of 2024
with
IA No.CAN 3 of 2024**

**Nitya Nanda Pal
- Versus -
District Magistrate, Purba Bardhaman & ors.**

Mr. Pius Chaturvedi, Sr. Adv.,
Mr. Mir Anowar
...for the appellant
Mr. Tulsidas Roy
...for the respondents

In Re : IA No.CAN 2 of 2024 & IA No.CAN 3 of 2024

These are the applications for condonation of delay in preferring the application for restoration and the application for restoration, respectively.

Upon hearing the learned advocates appearing for the respective parties and upon perusal of the averments made in the applications, we are satisfied with the explanation provided towards the delay in preferring the application for restoration and towards absence of the learned advocate of the appellant on 13th April, 2022 when the appeal and the application being IA No.CAN 1 of 2017 (Old No.CAN 11955 of 2017) were dismissed for default.

Accordingly, both the applications being IA No.CAN 2 of 2024 & IA No.CAN 3 of 2024 are allowed. Delay is condoned. The appeal and its connected application being IA No.CAN 1 of 2017

(Old No.CAN 11955 of 2017) are restored to their respective original file and numbers.

In re :IA No.CAN 1 of 2017 (Old No.CAN 11955 of 2017)

The application being IA No.CAN 1 of 2017 (Old No.CAN 11955 of 2017) is treated as on day's list and taken up for hearing upon consent of parties.

Having heard the arguments of the learned advocates representing the respective parties and upon considering the materials on record, we are of the opinion that there is no justification for passing any interim order at this stage. Accordingly, the application, being IA No. CAN 1 of 2017 (Old No. CAN 11955 of 2017), stands disposed of.

However, the appeal is to be heard finally.

In view thereof, the appellant is directed to file requisite number of informal paper books incorporating all the pleadings and documents used before the learned Single Bench within a period of four weeks from date with a copy to Mr. Roy, learned advocate appearing for the respondents.

The parties would be at liberty to mention the matter for final hearing after expiry of the period as specified above towards exchange of affidavits.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)