

24.04.2023
SL-11
Ct.32
(S.R.)

**FAT 144 of 2018
with
CAN 2 of 2022
and
CAN 3 of 2023
and
CAN 4 of 2023**

**Madan Mohan Mondal
v.
Anukul Das Thakur & Ors.**

Mr. Mrinal Kanti Ghosh
Mr. Sounak Mandal ... for the appellant.

In re: CAN 2 of 2022, CAN 3 of 2023 and CAN 4 of 2022

Affidavit of service filed by the appellant be kept on record. In spite of service, no one appears on behalf of the respondents.

Records reveal that by an order dated 13th July, 2022, the appeal being FAT 144 of 2018 was dismissed for default since none appeared on behalf of the appellant and the application for restoration being CAN 2 of 2022 was filed on 19th September, 2022 and hence, there is a delay of 37 days and consequently, for condonation of delay, CAN 3 of 2023 has been filed and another application being CAN 4 of 2023 has been taken out for reinstatement of the interim order passed by a Coordinate Bench of this Court on 15th January, 2020.

Heard the learned advocates and perused the materials on record placed before us. We are satisfied with

the explanation given towards the delay in filing the application for restoration application and we are also satisfied with the explanation given towards the absence of the appellant on 13th July, 2022. Accordingly, the application for restoration is allowed upon condonation of delay. The order dated 13th July, 2022 is hereby recalled and the appeal being FAT 144 of 2018 is restored its original file and number.

The interim order passed on 15th January, 2020 is reinstated and the same will continue till the disposal of the appeal.

We have been informed that the LCR has already arrived and the said LCR has been examined and the appellant submits that he is ready to file paper book. The appellant is directed to file paper book within four weeks from date.

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