

19.10.2023
Item No.14
Court No.6.
S. De

**F.M.A. 955 of 2019
With
I.A. No. CAN/3/2023**

**The State of West Bengal & Ors.
Vs
Subha Kumar Ghosh & Ors.**

Mr. Pinaki Dhole,
Mr. Avishek Prasad,
...for the applicants/State.

In re: I.A. No. CAN 3 of 2023.

This is an application for restoration of FMA 955 of 2019 and the connected application being I.A. No. CAN 2 of 2018 (Old No. CAN 9984 of 2018) which were dismissed for default on January 30, 2023.

Having heard learned counsel for the applicants/State, we are satisfied with the explanation furnished for absence of learned advocate for the applicants/State on the day the matter was dismissed for default.

Accordingly, the order dated January 30, 2023, is recalled. The appeal and the connected application are restored to their original files and numbers.

I.A. No. CAN 3 of 2023 is disposed of.

In re : FMA 955 of 2019 & I.A. No. CAN 2 of 2018 (Old No. CAN 9984 of 2018)

Let the appeal and the application be listed under the heading "Hearing" immediately after the

Puja Vacation as Paper Books have already been filed by the appellants.

The interim order that was subsisting in the appeal shall stand restored and shall continue till the disposal of the appeal.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)