

D/L.7.
January 21, 2025.
MNS.

SAT No. 28 of 2023
+
CAN 1 of 2023
&
CAN 2 of 2023
&
CAN 3 of 2023

Sri Bhagat Saren and others
Vs.
Smt. Tuni Hansda

Mr. Tapas Kumar Dey,
Mr. Rakesh Roy

... for the appellants.

Re: CAN 3 of 2023 (Section 5 application)

1. Upon perusal of the averments made in CAN 3 of 2023, we are satisfied with the sufficiency of the reasons for the delay in preferring CAN 2 of 2023.
2. Accordingly, CAN 3 of 2023 is allowed, thereby condoning the delay in filing CAN 2 of 2023.

Re : CAN 2 of 2023 (recalling application).

3. CAN 2 of 2023 is an application for recalling of the order dated May 12, 2023 passed by a co-ordinate Bench, whereby the appeal was dismissed for failure of the appellants to remove the defects.
4. We find from the records that neither were the deficit court-fees of Rs.258/- deposited by the appellants, nor did the learned Advocate for the appellants furnish a legible typed copy of the judgment

of the trial court, the certificate copy of which is illegible at places.

5. On the assurance given by learned counsel for the appellants that the appellants shall positively cure the aforementioned defects within a week from date, CAN 2 of 2023 is allowed, thereby recalling the order dated May 12, 2023 and restoring the Second Appeal to its original file and number, subject, however, to the appellants curing both the defects, as indicated above, within January 31, 2025.

6. The Office shall furnish a further report regarding such removal of defects.

7. The matter shall next be listed under the heading "To be mentioned" on February 10, 2025 for passing further orders in that regard.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)