

14.03.2024
Court No. 19
Item no.245
CP

C.O. No. 1276 of 2023
With
CAN 1 of 2023

Smt. Shipra Bose & Anr.
vs.
Sri Kanchan Kumar Basu & Ors.

Mr. Rajendra Banerjee
... for the petitioners.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the
opposite parties.

CAN No. 1 of 2023 is an application for restoration
of C.O. No. 1276 of 2023 which was dismissed for
default on June 16, 2023.

Upon perusal of the grounds stated in paragraph 3
of the said application, this court is satisfied that the
petitioner was prevented by sufficient cause from
appearing before the court when the matter was called
on. The order dated June 16, 2023 is recalled.

CAN No. 1 of 2023 is allowed and disposed of
accordingly.

C.O. No. 1276 of 2023 is restored to its original
file and number.

The petitioners who are the defendants pray for
expeditious disposal of the counter claim in connection
with Title Suit No. 81 of 2013, which is pending before
the learned Civil Judge (Junior Division), 1st Court at
Sealdah.

It is submitted that the suit was dismissed for default and the restoration application has also been dismissed.

This court is not in a position to ascertain the correctness of the actual state of affairs. Whether the plaintiffs have proceeded against the order of dismissal of the restoration application is not known.

The learned court is directed to take expeditious steps, strictly in accordance with law with regard to the pending proceeding.

This court has not expressed any opinion on the merits of the pending proceeding.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)