

11.12.2023  
Item No.15  
Court No.6.  
S. De

**F.A. 139 of 2015**  
**With**  
**I.A. No. CAN/4/2023**  
**I.A. No. CAN/5/2023**

**Kamal Krishna Chowdhury & Ors.**  
**Vs**  
**Kartick Chandra Banerjee @ Dubey.**

Mr. Sayan Sinha,  
Mr. Adil Naser, ...for the appellants.

Mr. Arijit Bardhan,  
Mr. Rishobh Dutta Gupta,  
...for the respondent.

In re : I.A. No. CAN 4 of 2023.

This is an application for restoration of FA 139 of 2015 which was dismissed for default on March 28, 2023.

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

Accordingly, the order dated March 28, 2023, is recalled. FA 139 of 2015 is restored to its original file and number.

The application being I.A. CAN 4 of 2023 is, accordingly, disposed of.

List the appeal along with the connected application under the heading "Hearing" immediately after the Christmas Vacation.

In the mean time, let a copy of the application made by the appellants under Order XLI Rule 27 of the Civil Procedure Code being I.A. No. CAN 5 of 2023, be served on learned advocate-on-record for the respondents.

**(Arijit Banerjee, J.)**

**(M.V. Muralidaran, J.)**