

28.03.2025

Ct.No. 24
Sl.No. 19
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

SAT 3085 of 2006
With
CAN 6/2024

Badrul Hassan since deceased
Rep. by Musstt Samsunnesa and ors.
VS
Khatija Khatoon and ors.

Mr. Arindam Banerjee, Sr. Adv.
Mr. Chayan Gupta
Mr. Raja Baliyal
Mr. Rajarshi Ganguly
Mr. Vidya Bhusan Upadhyay
...for the appellants

Mr. Haradhan Banerjee
Mr. Amitava Pain
Mr. Partha Pratim Mukhopadhyay
...for the respondents

1. CAN 6/2024, this is an application for restoration of appeal which was dismissed for default by the Hon'ble Division Bench of this court on 23rd September, 2024 as amended on 27th September, 2024. It appears that the Hon'ble Division Bench sitting in the Lawazima jurisdiction has passed the order for dismissal on the ground that the appellants have not prepared the informal paper books, though there is a specific direction. The appellants are

directed to file the paper books within this day’.

2. Learned counsel for the appellants submits that he has submitted the informal paper books with the concerned department being filing Serial No. 4 dated 28th March, 2024.

3. Mr. Haradhan Banerjee, learned counsel appearing for the respondents submits that he has received the copy of the said informal paper book.

4. Considering the compliance made on behalf of the appellants, let CAN 6/2024 be considered and allowed.

5. The order for dismissal passed by the Hon’ble Division Bench under Lawazima jurisdiction on 23rd September, 2024 as amended on 27th September, 2024 is hereby recalled.

6. The instant Second Appeal being SAT 3085 of 2006 is hereby restored to its original file and number.

7. Let the Trial Court Record be called for from the office of the concerned trial court, if not already received,

through Special Messenger, cost to be borne by the respondent.

8. Let the matter go out of list.
9. Liberty to mention before the appropriate Bench having determination.

(Subhendu Samanta, J.)