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06.03.2025
Ct. No. 11
rrc

FMA 728 of 2021
with
IA No. CAN 1 of 2022
with
IA No. CAN 2 of 2024
with
IA No. CAN 3 of 2025
(Dr. Samar Sengupta Vs. The State of
West Bengal & Ors.)

Mr. Swarup Banerjee
Mr. Sovon Siddhanta
Mr. Arindom Chatterjee
Mr. Subhan Biswas

.... For the appellant

Mr. T. M. Siddiqui, AGP
Mr. Suddhadev Adak

..... For the State respondents

Re: IA No. CAN 2 of 2024 & IA No. CAN 3 of 2025

Having heard the learned advocates appearing for the respective parties and after perusing the averments made in the applications, we are satisfied that sufficient cause was available that prevented the appellant from the filing of the application for restoration within the period of limitation provided therefor and we are also satisfied with the explanation provided to us towards the absence of the learned advocate for the appellant on 9th July, 2024, when the matter was dismissed for default.

Accordingly, both the applications are allowed.

The delay in preferring the application for restoration is condoned and the order dated 9th July, 2024 is recalled.

The appeal and its connected applications restored to its original file and number.

Re: IA No. CAN 1 of 2022

The application for stay being IA No. CAN 1 of 2022 is treated as on day's list.

After reviewing the materials on record and considering the submissions made on behalf of the respective parties, we are of the view that there is no scope for passing any interim order, at this stage.

We have been informed that the matter is ready for hearing.

In view thereof, the appellant is directed to file requisite numbers of informal paper books within 4 (four) weeks from date incorporating all the pleadings and documents exchanged by the parties before the learned single Judge.

The application is, thus disposed of.

Liberty to mention to enlist the appeal after filing of paper books.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)