

27.11.2025
Sl. 36
AMR
Ct.No.-655

SA 120 of 2011
with
IA No.: CAN/8/2025

Abbas Sheik
Vs.
Noor Hossain & Ors.

Ms. Debjani Sengupta
Ms. Paulomi Ghosh

... for the Appellant
Syed Nazmul Hossain

...for the Respondents

1. Affidavit of service filed by the appellant is taken on record.
2. Both the parties are represented by the learned advocates.
3. It is said by the learned advocate for the appellant that an application being CAN/8/2025 is taken out with a prayer for restoration of the appeal, which was dismissed earlier on 07th August, 2025.
4. It is said by the learned advocate that the present appellant has/had no intentional laches and/or negligence to proceed with the present appeal.
5. As on the very date when the appeal was called on for hearing, the learned advocate could not be present before the Court, as a result the appeal was dismissed for default. If the appeal is not restored to its original position, the present appellant will suffer irreparable loss and injury.
6. On the other hand, learned advocate for the respondents said that on earlier occasion, the present appeal was dismissed for default and it was restored by the order of

the Court and again this appeal was dismissed, as the appellant was not present on the very date.

7. It is further contended by the learned advocate that the judgment and order of the learned Trial Court was challenged before the learned First Appellate Court, which was allowed and the execution proceeding has already been started and it is pending before the learned Executing Court.

8. It is further said by the learned advocate for the respondents that in the said execution case, a prayer for police help has been filed and it is pending before the Court.

9. Let the matter appear in the list on 11th December, 2025.

(Prasenjit Biswas, J.)