

28.07.2025
SI No.11
Court No.16
(gc)

**FA 303 of 2014
CAN 5 of 2025**

**Safikul Islam Khan
Vs.
Dhulo Sk. & Ors.**

Mr. Partha Pratim Roy,
Mr. Samrat Chakraborty,
Mr. Saikat Gayen
...for the Appellant/Petitioner.
Mr. Goutam Misra,
Mr. Vaskar Pal
...for the Respondents.

Re: CAN 5 of 2025

1. This is an application for recalling of the order dated 1st July, 2025.
2. Sufficient cause being shown for non-appearance of the appellant on 1st July, 2025 when the appeal was dismissed for default and on an undertaking that the appellant shall be present on all future dates when the matter shall be heard, we restore the appeal to its original file and number.
3. We also record the serious objection raised on behalf of the opposite parties/respondents that on two previous occasions, the appeal was dismissed for default.
4. It is made clear that in the event the appellant is not represented on the adjourned date, we

may decide the appeal in absence of the appellant.

5. Accordingly, the application for restoration is allowed and disposed of.
6. The appeal shall be listed in the **Combined Monthly List of August, 2025.**
7. The parties are directed to file their law notes in the meantime.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)