

13.06.2022
Item no.131
Ct. No.04
Saswata

**IA no. CAN 3 of 2021
in
S.A. 271 of 2014**

**Md. Mofizuddin & Ors.
-vs-
Nizamuddin & Ors.**

Mr. Suprabhat Bhattacharya
Mr. Habibur Rahman
... for the petitioners

Mr. S. Alam
... for the respondents

In Re : IA No. CAN 3 of 2021

This is an application for restoration of the writ petition which was dismissed for default on 19.11.2019.

After perusing the averments made in the said application and after hearing the submission advanced by the respective parties, we are satisfied that the petitioners were prevented by sufficient cause in not appearing on the said fateful date.

It could not be said that the conduct of the petitioner is free from any blame. However, considering the facts and circumstances, the imposition of costs would sub-serve the purpose.

The application for restoration being **CAN 3 of 2021** is allowed. The Second appeal is restored to its original file and number subject to payment of costs assessed at Rs.5000/- to

be paid to the advocate on record of the respondents within two from date.

List this Second appeal after four weeks.

[Harish Tandon, J.]

[Shampa Dutt (Paul), J.]