

07.09.2021
Item No.1
Ct. No.7
CHC

S.A.636 of 1988
IA NO: CAN/1/2002 (Old No: CAN/2789/2002)
CAN/2/2002 (Old No: CAN/5555/2002)
CAN/4/2021
(Via Video Conference)

Aditya Kumar Singha Thakur
Vs.
The State of West Bengal & ors.

Mr. Malay Bhattacharyya
...for the petitioner/appellant

Mr. Partha Pratim Roy,
Mr. Ayan Banerjee
...for the State respondents

C.A.N.4 of 2021 is a restoration application praying for recalling the order dated 14th January, 2021, dismissing Second Appeal for default.

Mr. Roy, learned advocate with the assistance of Mr. Ayan Banerjee raises strong objections submitting that appellant/petitioner is reluctant to proceed with the Second Appeal and prior to the instant dismissal, this Second Appeal was also dismissed for default by an order dated 12.06.2019.

Mr. Malay Bhattacharyya, learned advocate appearing for the petitioner/appellant submits that the matter suddenly appeared in the list and in consequence thereof the step could not be taken, and

as a result of which the Second Appeal was dismissed for default.

Seen the averments contained in the CAN application explaining the reasons as to why the steps could not be taken.

Having considered the submissions of both sides, the Second Appeal being No.636 of 1988 be restored to its original file and number.

It is frankly submitted by the learned advocate for the petitioner/appellant that the Second Appeal is otherwise ready for hearing.

The matter be listed for hearing two weeks after the Puja Vacation.

List the matter in the Combined Monthly List to be published in November 2021.

(Subhasis Dasgupta, J.)