

14 16.02.2023

Ct-08

ar

SAT 520 of 2016

with

I.A No. CAN 2 of 2022

Anjan Kumar Debnath

Vs.

Dipen Kumar Debnath & Ors.

Mr. Prasanta Kumar Banerjee

Ms. Indrani Nandi

... For the Appellant

Re: CAN 2 of 2022

It appears from the record that appeal was dismissed for default on 10th December, 2020 for non-appearance of the learned counsel for the appellant and for restoration of the said appeal CAN 1 of 2022 has been filed, which was also dismissed for default on 7th September, 2022 when the learned counsel representing the appellant was not represented.

On the assurance that the learned counsel appearing for the appellant shall appear on the adjourned date and there was no repletion of past conduct, we restore the appeal and the application being CAN 1 of 2022 by recalling the order dated 10th December, 2020 and the order dated 7th September, 2022.

In view of the above, CAN 2 of 2022 is disposed of.

Let the appeal and CAN 1 of 2022 appear on 1st March, 2023.

We make it clear that in the event the appellant is not represented on the adjourned date, we may dispose of the appeal on the basis of the available records.

(Uday Kumar, J.)

(Soumen Sen, J.)

