

Party Name : KALPA RN. CHAKMA Vs PRIYA LAL BANIK & ANOTHER

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THE HONBLE MR. JUSTICE S.TALAPATRA

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In view of the order passed today in CM. Appl. No. 271 of 2013, this petition is taken up for readmission. On the oral application of Mr. Suman Bhattacharji, learned counsel appearing for the appellant-applicant, this petition is converted to a petition under Order XLI Rule 19 of the C.P.C for restoring the appeal being MAC Appl. No. 41 of 2012 and the ancillary petition being CM. Appl. No. 250 of 2012 which were dismissed by the order dated 23.11.2012. Mr. Suman Bhattacharji, learned counsel appearing for the appellant-applicant has submitted that the engaged counsel for the appellant was struck up for certain mechanical disorder of his vehicle. Mr. A. Das, learned counsel appearing for the respondent No.1 and Mr. S.D. Choudhury, learned counsel appearing for the respondent No.2 in their usual fairness do not oppose the prayer. Situated thus, this petition stands allowed and the order dated 23.11.2012 as passed, both the CM. Application No.250 of 2012 and the MAC Appl. No. 41 of 2012 is recalled and set aside. As consequence thereof, both the appeal being MAC Appl. No. 41 of 2012 and CM. Appl. No. 250 of 2012 arising therefrom are restored respectively. Accordingly, this composite petition as converted stands allowed and disposed of.