

Court No. - 19

Case :- SECOND APPEAL No. - 98 of 1987

Appellant :- Ramesh Kumar

Respondent :- Kali Charan

Counsel for Appellant :- Umesh Kumar Srivastava

Hon'ble Jaspreet Singh,J.

The appeal is of the year 1987.

The respondent in the year 1987 was 67 year of age.

The record further indicates that the learned counsel for the appellant has been on sanctioned leave or has sought adjournments on the previous three occasions.

Today again it has been informed that the learned counsel for the appellant is on sanctioned leave. Moreover, the office report dated 15.05.2023 also indicate that the sole respondent is dead.

Considering the aforesaid and the fact that the sole respondent died and there is no application for substitution or to bring on record the legal heirs of the deceased sole respondent while more than 90 days have lapsed. Consequently, the appeal stands abated.

In case, any cause of action survives, it will be open for the appellant to move an appropriate application seeking condonation of delay and setting aside abatement.

Consigned to record.

Order Date :- 16.11.2023

Rakesh/-