

IN THE HIGH COURT OF BOMBAY AT GOA**SECOND APPEAL NO.67 OF 2013**

Sopullo Datta Naik

... Appellant

Versus

Yeshwant Govind Dessai

... Respondent

Shri Nigel Fernandes, Advocate for the Appellant.

Coram:- DAMA SESHADRI NAIDU, J.**Date:- 6th March 2020****ORAL ORDER :**

The appellant as the plaintiff filed a suit for damages on the grounds of civil defamation. He could not succeed; the suit was dismissed. Later, he filed First Appeal, again without success. Eventually, he has filed the Second Appeal. Pending the Second Appeal, he has died. Now, the appellant's counsel fairly admits that no cause of action survives on the death of the plaintiff in a suit for damages on the ground of defamation.

2. About the death of the appellant, I may note that initially the counsel wrote letter to the appellant expressing his desire to be discharged from the case because he was not getting any instructions from the appellant. Then, the notice was returned unserved with the endorsement that the appellant is no more.

Under these circumstances, I close the Second Appeal as having become infructuous.

DAMA SESHADRI NAIDU, J.

NH