

12.02.2021
Ct. No.9
S/L No.1
KS

**S.A. 304 of 1992
With
IA No.CAN 1 of 2016 (Old No.CAN 523 of 2016) (Not Found)**

**Shri Bishnu Pada Karmakar
-Vs.-
Karunamoy Das (deceased) represented by Smt. Pateswari
Dasi & Anr.
(Via Video Conference)**

Mr. Saptarshi Kumar Kundu
.....For the Appellant

Mr. Saptarshi Kumar Kundu, learned advocate, High Court at Calcutta, Bar Association No.2 files Vakalatnama and submits for acceptance of the same on the contention that he has instruction from his client namely, Shri Bishnu Pada Karmakar to withdraw the second appeal.

Written instruction and Vakalatnama filed in Court be taken on record.

It would appear that the present appellant/plaintiff had instituted a suit for specific performance of contract valued at Rs.14,000/- by payment of earnest money of Rs.4,000/- out of the total consideration of Rs.14,000/- the suit being, Title Suit No.170 of 1980 was decreed against the defendants directing them to execute the registered Sale of Deed in favour of the plaintiff by the judgment delivered on 25.06.1985 and decree

drawn up thereon 03.07.1985. The judgment and the decree was appealed against in Title Appeal No.216 of 1985 by the defendant of the suit. The Appeal Court allowed the appeal on contest setting aside the judgment and decree passed by the Trial Court vide judgment dated 18.09.1986. The said appellate judgment and the decree is in appeal before this Court pending for a considerable period of time without any proper steps into the appeal.

At this stage, learned Advocate for appellant has filed written instruction dated 05.02.2021 of Bishnu Pada Karmakar for non-prosecution of the appeal.

In view of the written instruction and upon hearing Mr. Saptarshi Kumar Kundu, advocate the second appeal being, S.A. No.304 of 1992 be dismissed for non-prosecution.

There will be no order as to costs.

L.C.R., if any, be sent down to the learned Court below.

(Shivakant Prasad, J.)