

11.02.2022
Item No.06
Court No.18
AJ.

S.A. 373 of 1964

(Via Video Conference)

Mahammad Sahadat Hossain & Anr.

-Vs-

Mahammad Abdur Rahaman

None appears on behalf of the appellants. The respondent is also not represented.

Seen the office report dated August 18, 2021. It appears *inter alia* from the said report that the administrative notice issued to appellant no. 1 has returned unserved and the rule being CR 3635S/78 for substitution of heirs and legal representatives of the deceased appellant no. 2 was made absolute subject to the condition that the appellants take step to serve notice of the appeal upon the proposed substituted respondent nos. 3 to 14 within eight weeks from the date of the order making the said rule absolute.

The requisite for service of the said notice was not put in within the said time as a consequence the necessary amendment in the cause title of the memorandum of appeal could not be carried out by the department.

The condition for setting aside the order of abatement since was not complied with, the order of abatement of the appeal remains.

The Second Appeal being S.A. 373 of 1964 is, therefore, dismissed as abated.

The Lower Court Records be sent down to the Court below immediately.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)