

Item-7. 16-11-2022

FA 183 of 2010
CAN 4 of 2022

sg

Ct. 8

Uttam Mallick
Versus
Probal Kr. Basu

Mr. Sounak Bhattacharya, Adv.
...for the respondent

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. On the last occasion the wife of the appellant appeared through Ms. Reema Coomar, Advocate and prayed for an adjournment in order to enable the legal heirs of the deceased appellant to take appropriate steps and to file necessary application for substitution.

In our order dated 28th September, 2022, we made it clear that in the event no step is taken by the legal heirs of the deceased, it shall be presumed that they are not interested to proceed with the appeal and we may dispose of the appeal recording abatement.

Mr. Sounak Bhattacharya, learned Counsel appearing on behalf of the respondent submits that the Trial Court decreed the suit on the basis of the admission of the appellant of a leave and licence agreement.

However, having regard to the fact that no attempt has been made to file any application for substitution, we dismiss the appeal recording abatement.

The appeal, being FA 183 of 2010 is dismissed. CAN 4 of 2022 is, accordingly, disposed of.

The department shall make proper endorsement in the case records status.

(Uday Kumar, J.)

(Soumen Sen, J.)