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sandip
Ct. 18
27.06.2022

S.A. No. 438 of 2003
I.A. No : CAN 3 of 2022
Sri Bimal Chakraborty

Vs.

Sri Ashim Kumar Dutta & Anr.

Mr. Gopal Ch. Ghosh,
Ms. Jayeta Kaunda (Mitra) ... For the respondent.

Re : I.A. No : CAN 3 of 2022

None appears on behalf of the appellant to oppose the application.

This is an application for recording death of the sole appellant and consequent dismissal of the appeal for being abated.

It appears from the statement made in Paragraph 9 of the application that the sole appellant has died on March 23, 2021. No steps appears to have been taken for substitution of the heirs and legal representatives of the said deceased appellant.

I.A. No: CAN 3 of 2022 is disposed of by recording formal order of abatement of the appeal. There shall be no order as to costs.

S.A. No. 438 of 2003

In consequence of recording of formal order of abatement of the instant appeal, S.A. 438 of 2003 stands dismissed as abated without any order as to costs.

The Department is directed to send down the Lower Court Records immediately to the Court below, if there be any.

Needless to say, the executing Court is to free to proceed with the connected execution case.

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.)

