

S/L 132
14.12.2022
Court No.652
SD

SA 43 of 1988
With
CAN 3 of 2022

Sri Srimad Bhakti Saurabh Bhaktisar Maharaj, since
deceased, represented by his legal heirs, namely, Bhakti Sudhir
Acharya

Vs.

Smt. Bijali Bala Sadhu @ Haridasi Sadhu, since deceased,
represented by her legal heirs, Smt. Sabita Sadhu & Ors.

Mr. Chittapriya Ghosh
Ms. Komal Singh

...for the Respondents.

CAN 3 of 2022:-

It is submitted by the learned counsel appearing on behalf of the respondents that Sri Srimad Bhakti Saurabh Bhaktisar Maharaj preferred this appeal in his personal capacity as well as under the capacity as Sebait but the deity has not been made a party in the appeal.

Subsequently, the said appellant no.1, Sri Srimad Bhakti Saurabh Bhaktisar Maharaj died and in his place one Bhakti Sudhir Acharya was substituted and Bhakti Sudhir Acharya also died as it appears from the postal endorsement dated 14.7.2022 annexed to this application. The legal heirs of said Bhakti Sudhir Acharya have not been substituted. As such, the suit has been abated.

Today none appears on behalf of the appellants in court when the matter is called on.

Accordingly, CAN 3 of 2022 is allowed.

SA 43 of 1988:-

Since the both the appellants are dead and no substitution has been prayed for on their behalf, the appeal stands abated.

Department is directed to record the appeal as abated and do the needful accordingly.

Lower court records, if arrived, be sent down to the court below forthwith.

(Ajoy Kumar Mukherjee, J.)