

18.08.2022
KC(9)

S.A.T. 20 of 2017
Binod Behari Manna (deceased)
represented by
Joydeb Manna and Ors.
-versus-
Prafulla Mal (deceased)
Represented by
Harekrishna Mal and Ors.
With
CAN 1 of 2017 (Old CAN No. 883 of 2017)
With
CAN 2 of 2022
With
CAN 3 of 2022

Mr. Krishna Das Poddar,
Mr. Pradip Paul.....For the appellants.

Mr. Jayanta Kumar Das,
Ms. Madhumanti Das.....For the respondent
nos. 1(a), 1(b) and 3.

This appeal and the connected applications are mis-conceived. Binod Behari Manna, the appellant before the first appellate court died during pendency of the appeal. No step was taken for substitution of his legal heirs and representatives in his place. The learned first appellate court pronounced its judgment and decree, the cause title of the case showing Binod Behari Manna to be the appellant.

We cannot rectify the records.

This appeal and the connected applications are disposed of giving liberty to the appellants to approach the learned court below for rectification of the records. If

such rectification is done, it would be open to the appellants to prefer the appeal on the self-same grounds.

(I.P. MUKERJI, J.)

(SUBHENDU SAMANTA, J.)