

11.08.2022
SL No.17
Court No.8
(gc)

**FA 139 of 2011
CAN 4 of 2022**

**Sk. Nasimuddin
Vs.
Sk. Rafiuddin Ahammed**

Mr. Rwitendra Banerjee,
Mr. Sandip Kundu,
...for the Appellant.
Mr. Rajdeep Bhattacharya,
...for the Respondent.

Mr. Rwitendra Banerjee, learned Advocate submits that in spite of best efforts, he could not establish contact with the appellant.

Leave is given to Mr. Rwitendra Banerjee, learned Advocate representing the appellant to retire from the matter.

Re: CAN 4 of 2022

This is an application for recording the abatement of the appeal for the death of the sole appellant. One envelope sent by Mr. Rwitendra Banerjee, Avocate representing the appellant and the administrative notice sent by the department on 2nd August, 2022 would show that the service could not be effected upon the appellant as the addressee was found to be dead. The report of the Assistant Registrar-II dated 6th August, 2022 clearly shows that the administrative notice could

not be served upon the appellant as the addressee was found to be dead. Admittedly no application was filed by the appellant for substitution till date.

Under such circumstances, we record the abatement of the appeal.

Accordingly, the application being CAN 4 of 2022 stands disposed of.

In view of disposal of the application for recording of abatement, the appeal being FA 139 of 2011 stands dismissed.

However, there shall be no order as to costs.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)