

DL. June 29,
24. 2022

F.A.T. 168 of 2014

Dawa Tshering Bhutia alias

D. T. Bhutia

Vs,

Dhendup Dorji Bhutia

Mr. Arnab Mukherjee,

...for the applicants.

Re: CAN 3 of 2022 (appropriate order)

Claiming themselves to be the legal heirs of the deceased sole respondent the applicants have filed this application seeking an order to implead themselves as substituted respondents in stead and place of the deceased sole respondent who died on April 22, 2020 and to record abatement of the appeal on the ground that the sole appellant had died. It is adverted that no step was taken by the appellant, though the learned advocate representing the appellant was informed.

The learned advocate for the applicants submits that the learned advocate for the appellant refused to accept the notice as the sole appellant died and notice sent on March 25, 2022 to the sole appellant returned unserved with the postal endorsement on the envelope "the addressee expired".

Consequent upon the death of the sole appellant, who presumably died on or before April 7, 2022, when such endorsement was made, the appeal abates leaving no room to entertain prayer (a) of the instant application.

Office is directed to send down the lower court records of this case, if arrived, immediately.

The application stands disposed of accordingly.

In view of abatement of the appeal, the application being CAN 488 OF 2020 becomes infructuous and the same is also disposed of.

There will be no order as to costs.

dns

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)