

24.03.2022
Item No.1
Court No.6.
AB

C.O. 1723 of 2007

**The Kolkata Municipal Corporation & Anr.
Vs
Prabir Roy**

Mr. Alok Kumar Ghosh,
Mr. Fazlul Haque,
Mr. Swapan Debnath....for the Petitioners.

Pursuant to my earlier order, the learned Judge, 9th Bench, City Civil Court at Calcutta, has filed a report dated March 16, 2022. From the report, it appears that the sole plaintiff in the suit, Prabir Roy, died on October 9, 2007. A photocopy of the death certificate of Prabir Roy has been annexed to the report.

I am told by Mr. Ghosh, learned Senior Counsel representing Kolkata Municipal Corporation, which is the defendant in the suit, that no steps have been taken for substitution of the legal heirs of the deceased plaintiff in the suit. There is no report to that effect also from the learned City Civil Court. Obviously, the suit has abated long ago.

In view of the aforesaid, the question of the Kolkata Municipal Corporation proceeding with the present revisional application does not arise.

C.O. No.1723 of 2007 is, accordingly, disposed of.

The learned Judge, 9th Bench, City Civil Court is requested to record the abatement of the suit and dispose of the same upon a copy of this order being placed before the learned Judge.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Arijit Banerjee, J.)