

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.483 of 1975

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YUGAL KISHORE SAH

... .. Appellant/s

Versus

NAGESHWAR PD. and ANR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ray Saurabh Nath, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

19 09-02-2023 Mr. Ray Saurav Nath, learned counsel submits that in this case Mr. Ray Shivajee Nath, learned Advocate, who was later on designated as Senior Advocate of this court, was conducting the case. The learned senior counsel is no more. In his absence, learned counsel tried to get in touch with the appellant but no contact could be made.

In this circumstance, on his request, this Court vide it's order dated 09.12.2021 directed issuance of notice to the appellant at the cost of the office by both modes. Now the report has been received that the sole appellant has died. Despite notice sent on the address of the deceased sole appellant and communication made by the office of the learned counsel through registered post, the legal heirs and representative of the sole appellant has not appeared and thereby they are not showing any interest in pursuing the matter.



In the given circumstances, this Court finds that this appeal which is almost 48 years old cannot be kept pending as it is. It has already abated as the legal representative of the deceased who may have a right to sue surviving has not come forward to pursue this appeal.

This appeal is, therefore, dismissed.

(Rajeev Ranjan Prasad, J)

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