

23.8.2023
188
Ct. no. 652
sb

SA 301 of 2010
With
CAN 3 of 2012 (Old CAN 3914 of 2012)
CAN 9 of 2019 (Old CAN 571 of 2019)
CAN 10 of 2021

Sanat Manna & Ors.
Vs.
Dasarathi Dhara

Mr. Tarak Nath Halder
Mr. Abhisek Banerjee ...for the Respondent

Re: CAN 3 of 2012

Appellants are not represented.

Let CAN 3 of 2012 be dismissed for default.

Re: CAN 10 of 2021

Affidavit of service is taken on record.

This is an application for recording abatement due to death of appellant no. 3. It is submitted that with the death of appellant no. 3, right to appeal does not survive to the surviving appellants alone. He further submitted that in the order dated 22.8.2019, the Hon'ble High court was pleased to record that the appeal has been abated on the death of appellant no. 1 and his legal heirs and representatives cannot be brought on record as respondents or proforma respondents.

In such view of the matter, it is formally recorded that in view of the observation made by this court on 22.8.2019, the appeal abated as a whole.

CAN 10 of 2021 is accordingly disposed of.

Re: CAN 9 of 2019

In view of the disposal of CAN 10 of 2021, CAN 9 of 2019 is also disposed of.

(Ajoy Kumar Mukherjee, J.)