

08 12.5.2023

Ct-08

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FA 24 of 2011
with
I.A No. CAN 3 of 2015(Old CAN No. 4781 of 2015)
CAN 4 of 2022
CAN 5 of 2023

Smt. Surabala Singha & Ors.
Vs.
Narendra Nath Roy & Ors.

Mr. Angshuman Chakraborty
Mr. Arabinda Manna
Ms. Tuktuki Mondal
... For one of the legal heirs
of Respondent no. 1

Affidavit of service filed Ms. Tuktuki Mondal, learned advocate on record for one of the legal heirs of the respondent no. 1 is taken on record.

CAN 4781 of 2015 is an application for substitution, on the death of the appellant no. 2, Sri Sukumar Roy, filed by the learned advocate on record for the appellants on 12th May, 2015. However this application was never moved. Today also the appellants are not represented nor any accommodation is prayed for on their behalf. It seems that the appellants are not interested to proceed with the appeal.

Under such circumstances CAN 4781 of 2015 stands dismissed for default. The appeal is accordingly dismissed for default.

In view of the aforesaid order the subsequent applications are not required to be considered. Accordingly CAN 4 of 2022 and CAN 5 of 2023 stand dismissed as withdrawn.

We make it clear that we have not decided CAN 4 of 2022 and CAN 5 of 2023 on merits.

Interim order, if any, stands vacated.

Learned counsel representing one of the legal heirs of the respondent no. 1 has submitted that in violation of the order of injunction passed by a

coordinate bench transfers were made and effected. Any transfer of the violation of the order of injunction shall be deemed to be void and cannot create any interest in favour of the third party. The said issue is left open to be decided in an appropriate proceeding.

(Uday Kumar, J.)

(Soumen Sen, J.)