

8.6.2023  
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Ct. no. 652  
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**SA 130 of 1998  
With  
CAN 5 of 2013  
(Old CAN 11710 of 2013)**

**Jiban Bhattacharjee  
Vs.  
Amal Kumar Roy**

Ms. Madhumitra Patra ...for the Appellant

**In Re: CAN 5 of 2013  
(Old CAN 11710 of 2013)**

This is an application for substitution of the legal heirs of sole appellant, Jiban Bhattacharjee. It is submitted that during pendency of the appeal, the sole appellant, Jiban Bhattacharjee died intestate on 7<sup>th</sup> February, 2013 leaving behind legal heirs mentioned in paragraph 2 of the application.

Prayer for substitution is considered and allowed after setting aside the abatement.

The department is directed to make necessary correction.

CAN 5 of 2013 is accordingly disposed of.

**Re: SA 130 of 1998**

Ms. Patra learned counsel appearing on behalf of substituted appellants submits that substituted appellants namely, Asha Bhattacharya, Indira

Bhattacharjee and Mandira Chakraborty, have instructed that they do not want to proceed further with the appeal and prayed for dismissal of the appeal on the ground of non-prosecution.

Let SA 130 of 1998 along with connected pending applications are dismissed for non-prosecution.

Written instruction submitted by the appellant is taken on record.

**(Ajoy Kumar Mukherjee, J.)**