

**Smt. Bithika Dutta nee Ghosh
Vs.
Sri Pronab Kumar Dutta**

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Ms. Piyali Sengupta
Mr. Victor Chatterjee
... For the Appellant

Mr. Anupam Dasadhikari
... For the Respondent

Ms. Piyali Sengupta, learned counsel appearing for the appellant, has submitted that she has not received any instruction from the appellant.

On 16th June, 2022 Mr. Sirsendu Hazra, learned advocate on record for the appellant, was not present and it was submitted by Mr. Saptangshu Basu, learned senior counsel representing the appellant, that he has been informed that Mr. Sirsendu Hazra is no more willing to represent the appellant. We, therefore, directed the Secretary, Calcutta High Court Legal Services Committee to appoint an advocate to represent the appellant in this proceeding. Thereafter Ms. Piyali Sengupta and Mr. Victor Chatterjee have been appointed by the Calcutta High Court Legal Services Committee.

All attempts to ensure that the appellant is represented have proved to be futile as the latest report filed by the Secretary, Calcutta High Court Legal Services Committee dated 13th January, 2023 would show that the appellant does not reside at the address mentioned in the cause title and even she could not be located at the alternative address which the PLV could gather during his attempt to serve the notice upon the appellant. It clearly shows that the appellant is not willing to proceed with the appeal.

Ms. Sengupta submits that due to lack of instruction from the appellant and unwillingness on the part of the appellant to proceed with the appeal they may be discharged from this case. We accept the submission made by Ms. Sengupta.

In view of the above, Ms. Piyali Sengupta and Mr. Victor Chatterjee, learned advocates appointed by the Calcutta High Court Legal Services Committee, are granted leave to retire from this matter.

On such consideration, the appeal stands dismissed for non-prosecution.

There will be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)

