

Item-6.	10-01-2023	SAT 1857 of 2006 CAN 1 of 2008 (old CAN 6329 of 2008) CAN 2 of 2008 (old CAN 6330 of 2008)
sg	Ct. 8	

Sunil Sutradhar
Versus
Nitya Gopal Kundu

The report filed by the department shows that an application for substitution was filed on 21st July, 2008 and no order has been passed in connection with the said application. The matter initially appeared in the warning list on 29th November, 2022 and thereafter transferred to the regular list on 5th December, 2022. There was a clear indication in the list that the matter shall be transferred to the daily cause list on 5th December, 2022 and since then the appeal is appearing in the list.

The matter was appearing in the list twice but the appellant was not represented. The appellant has not taken any step for substitution, as it is revealed from the report filed by the Section Officer dated 9th January, 2023.

In view of the fact that the substitution has not taken place and the appeal has abated, we dismiss the second appeal on the ground of abatement.

The application for substitution and stay are also dismissed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)