

18.01.2023
SL No.12
Court No.8
(gc)

FA 277 of 2013
CAN 2 of 2013 (Old No: CAN 12314 of 2013)
CAN 3 of 2013 (Old No: CAN 12315 of 2013)
CAN 4 of 2014 (Old No: CAN 12122 of 2014)
CAN 5 of 2022

Bhajahari Sarkhel & Ors.
Vs.
Sadananda Paramanik & Ors.

Ms. Shila Sarkar,
...for the Appellants.
Ms. Shebatee Datta,
...for the Applicants
in CAN 5 of 2022.

Ms. Shila Sarkar, learned Advocate representing the appellants has submitted that in spite of a communication being made on 4th January, 2023 to the appellants, she has not received any instruction.

The communication dated 4th January, 2023 is taken on record.

Ms. Shebatee Datta, learned Advocate appearing for the applicants in CAN 5 of 2022 has submitted that the copies of the application have been served upon the appellants and an affidavit of service has been filed.

In view of the fact that no step has been taken for substitution of the legal heirs of the deceased respondent No.1 and having regard to the nature of the decree, other appellants have no independent right to proceed with the appeal without substitution being allowed and carried out, the appeal as a whole stands abated.

Accordingly, the application being CAN 5 of 2022 is allowed and disposed of.

In view of disposal of CAN 5 of 2022, the appeal and the connected applications stand dismissed.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)