

24.01.2023
SL No.12
Court No.8
(gc)

SAT 583 of 2015
CAN 1 of 2016 (Old No: CAN 124 of 2016)
CAN 2 of 2016 (Old No: CAN 6545 of 2016)
CAN 3 of 2017 (Old No: CAN 12 of 2017)

Ajay Kumar Gupta
Vs.
Chhedilal Shaw & Ors.

Mr. Gautam Das,
...for one of the legal heirs
of the deceased Respondent No.1.

The appellant is not represented. On the earlier occasion, the matter was adjourned at the instance of the appellant.

Mr. Gautam Das, learned Counsel representing one of the legal heirs of the deceased respondent No.1 has submitted that he has not received the copy of the application being CAN 3 of 2017 (Old No: CAN 12 of 2017). We directed the said application to be served upon Mr. Das in our earlier order dated 17th January, 2023. The said application is for substitution of the legal heirs of the original respondent No.1 who died intestate leaving behind four legal heirs. There is a delay in filing the said application.

It appears that the appellant is not interested to proceed with the matter. The said application was filed on 3rd January, 2017, but no attempt was made to move the said application. Even today, the appellant is not present.

On such consideration, the application being CAN 3 of 2017 (Old No: CAN 12 of 2017) stands dismissed for default.

In view of the aforesaid order, the appeal stands dismissed as abated.

The connected applications also stand dismissed.

However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)