

09.02.2024
SL No. 317
Court No. 551
Ali

SA 322 of 1991
With
IA No: CAN/1/1997 (Old No:CAN/4816/1997),
CAN/2/1999 (Old No:CAN/492/1999),
CAN/6/2010 (Old No:CAN/9979/2010)

Tapden Bhutia & Ors.

Versus
Chan Olive

Mr. Kanailal Kanji
.....for the respondent No. 1(d).

Learned advocate Mr. Kanailal Kanji, appeared on behalf of respondent No. 1(d) Mrs. Young Kimhing Pradhan, daughter of sole respondent Mrs. Chan Olive @ Olive (Labsang Lama).

None appeared on behalf of the appellants. It appears that after demise of appellant No. 1 the legal heirs of the appellant No. 1 was substituted in this appeal by virtue of the direction of this Court dated 26.08.2010.

The instant appeal is running in the list for few months. During the pendnecy of the instant appeal, the Administrative Notice was served upon the appellants. All the register consignment were returned with the noting that appellant Nos. 3, 4 and 6 “reported expired” in respect of other appellants, it is reported that “could not found”.

Considering the situation and considering the facts and circumstances of this case and also

considering the fact that none appeared on behalf of appellant before this Court though the matter is pending in the list for quite few months.

The Administrative Notice has been served effectively. Accordingly, it appears to this Court that the appellant is not at all interested to proceed with this Second Appeal.

Hench, it is ordered that, instant Second Appeal is dismissed for default.

The order under challenge in this appeal be hereby affirmed.

LCR be sent down at once.

The instant Second Appeal is disposed of.

(Subhendu Samanta, J.)