

22.11.2024
SL No.8
Court No. 24
Ali

S.A. 212 of 1997
With
IA No.:CAN/1/1997 (Old No. CAN/6522/1997),
CAN 2/2016 (Old No. CAN/2829/2016),
CAN 3/2016 (Old No. CAN/2834/2016),
CAN 4/2016 (Old No. CAN/7695/2016).

Jatindra Nath Das
Vs.
Madhusudan Das & Anr.

Mr. Animesh Das

...for the appellant.

Mr. Animesh Das, learned advocate- on-record on behalf of the appellant submits that the dispute between the parties has been settled outside the Court. The appellant is not intending to proceed further with the instant appeal.

Mr. Das has fairly submits that the substituted appellant, namely, Swapan Das has expired during the pendency of the instant appeal. The legal heirs of Swapan Das were not made party in the instant appeal. Mr. Das further submits that the Second Appeal may be disposed of. It appears that all the appellants i.e. the legal heirs of Swapan Das were not made party in this proceeding. No application for substitution has been filed within time.

Under the above situations, without any specific application for substitution the instant Second Appeal being abated is hereby disposed of.

Under the above observations, the instant Second Appeal be disposed of.

The decree under appeal is hereby affirmed.

Any interim order passed by this Court during the pendency of the instant appeal is hereby also vacated.

The parties are at liberty to receive back respective original documents by producing the certified copy of the same to the concerned office according to the law.

Office is directed to send down the TCR through special messenger, cost to be borne by the appellant.

The appellant is directed to submit the special messenger cost with the department within a fortnight from date. On such deposition of cost, the office shall appoint a special messenger so that, the TCR may send down to the learned Trial Court forthwith.

Connected CAN applications, if pending, are also disposed of.

Let the written instruction of some of appellants be kept with the record.

(Subhendu Samanta, J.)