

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION**

10.06.2024
Court No.1
S/L. No. 11
Sourav/
Suvayan

**MAT 122 of 2023
With
IA No: CAN 1 of 2023**

**Amalesh Chakraborty & Anr.
Vs.
Uttarbanga Kshetriya Gramin Bank & Ors.**

*Mr. Jagriti Mishra
Ms. Ananya Bhattacharya
Ms. Mrinmayee Das*

...for the appellants.

*Mr. Chitra Bhanu Gupta
Ms. Supriya Singh*

...for the respondent.

1. The learned Counsel for the appellants submits that another opportunity be granted for bringing the legal heirs on record in view of the unfortunate demise of the appellants during pendency of the instant appeal.
2. We find from the records that earlier also time was granted. Today when the matter is taken up, the learned Counsel is not even having details of the legal heirs who may or may not be substituted in the instant proceeding.
3. We further find from the records that the appellants are beneficiaries of an order passed in terms of a batch of writ petitions, first of which was

WPA 1278 of 2023 (Phani Bhushan Roy and Another Vs. Uttarbanga Kshetriya Gramin Bank and Others). Benefit in terms of the order dated July 4, 2023 passed in the said batch of writ petitions was extended to the petitioner.

4. The matter has, thereafter, travelled to the Division Bench and the order passed in the case of **Phani Bhushan Roy and Another (Supra)** has since been considered by the a co-ordinate Bench which declined to interfere with the order passed by the Hon'ble Single Judge dismissing all the appeals and connected applications arising from the said writ proceeding.
5. We, therefore, observe that the petitioner's appeal, even if kept pending and further opportunity allowed for substitution, would most likely meet the same fate.
6. Be that as it may, since the substitution application has not been filed in spite of opportunity granted earlier and till date the learned Counsel for the appellants is clueless regarding even the details of the legal heirs who may or may not be substituted, we see no reason for keeping the appeal pending, the same is dismissed.

7. Accordingly, the appeal being **MAT 122 of 2023** along with the interim application being **CAN 1 of 2023** is dismissed.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)