

PLA No. 56 of 2020
IN THE HIGH COURT AT CALCUTTA
TESTAMENTARY AND INTESTATE JURISDICTION

IN THE GOODS OF:
SUJIT SAHA ALIAS SUJIT KUMAR SAHA (DECEASED)

BEFORE:
The Hon'ble JUSTICE BIVAS PATTANAYAK
Date: 5th July, 2024.

Appearance:
Mr. Dipranjan Mukhopadhyay, Adv.
Mr. Jayanta Datta, Adv.
Mr. Atanu Mondal, Adv.
For Subrata Saha and Sabita Saha.

The Court :- Upon going through the previous orders passed by this Court, it is found that the application has some defects.

By order dated 10th May, 2024, the petitioner was to rectify the defects.

Report was placed before this Court by Registrar-in-Insolvency that notice was issued upon the learned advocate-on-record for the applicant Vijaya Basak for rectifying the defects, however, she was unable to rectify the defect for want of instruction. Upon consideration of such report by order dated 16th May, 2024, the petitioner was directed to show cause as to why the PLA No. 56 of 2020 shall not be dismissed for non-compliance of the Court's order dated 10th May, 2024. Learned advocate appearing for Subrata Saha and Sabita Saha was directed to

communicate the order to learned advocate-on-record of the petitioner as well as to the petitioner. Though the notices were issued in compliance to order dated 16th May, 2024, but as service report was not received, a further date was fixed with the direction to the learned advocate for Subrata Saha and Sabita Saha to issue fresh notice.

Learned advocate for Subrata Saha and Sabita Saha submits the copy of the notice sent to the petitioner as well as learned advocate-on-record of the petitioner. The notice sent to the petitioner has returned with endorsement "*out of station*". The notice sent to learned advocate-on-record of the petitioner was delivered. The letter dated 24th May, 2024 is taken on record.

None appears on behalf of the petitioner. Neither any show cause in compliance to the order dated 16th May, 2024 has been filed.

In view of the above, the PLA No. 56 of 2020 stands dismissed for default.

Consequently, the interim order granted on 15th November, 2021 stands vacated.

(BIVAS PATTANAYAK, J.)