

10.11.2025
Ct. No.42

Sl. No.36
Mujahid

SA 402 of 1972
SRI SAURENDRA NATH MITRA AND ORS
VS
SRI BIRSWAR CHANDRA BHATAHAJEE

1. This is a Second Appeal of 1972 which was listed before this court on 24.09.2025. Thereafter, the matter was adjourned on 25.09.2025. On that day there was no representation on behalf of the appellant. However, in the interest of justice, last opportunity was granted for today. However, there is no representation on behalf of the appellant today also.

2. The appeal is of 1972. It seems that appellant has lost his interest in the appeal. It is a settled proposition that the appellant or his lawyer has a duty to appear before the court when the same is listed for hearing.

3. Non-appearance of the appellant or his counsel in court without “sufficient cause” cannot be excused. Such conduct indicates the casual and negligent approach. In the circumstances, the appeal is dismissed in default and file be consigned to record room.

(Dinesh Kumar Sharma, J.)