

06.11.2025

**DL-81.
Ct. No. 34
Srimanta**

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

SA 777 of 1975

**Smt. Chutu Mian Mahatani & Ors.
-Vs.-
Jyoti Mahato & Ors.**

None appears on behalf of either of the parties in this case.

On careful perusal of the entire record as placed before this Court, it transpires that on 3rd May, 1976 the appeal was appearing under the heading Order 41 Rule 11 of the Code of Civil Procedure when no one appeared on behalf of the appellants and the appeal was dismissed. Later an application to restore such order was filed and that was allowed on 6th May, 1976 and the matter was posted for hearing under Order 41 Rule 11 of the Code of Civil Procedure on 17th May, 1976. Since thereafter nothing happened and on the prayer made by the Learned Advocate representing the appellants on 25th May, 1976 the appeal was directed to put in the list for taking step for substitution. The matter is pending since 1975.

Therefore, in view of the above facts and circumstances and specially when it can be seen that

the appeal was not admitted by this Court, this Court is of the view, there is no reason to keep the matter pending further. Hence, the instant second appeal be and the same be dismissed for default.

Let a copy of this order along with the TCR be sent to the concerned Court for information.

Urgent certified copy, if applied for, be issued at an earliest provided all other required conditions are fulfilled.

(Chaitali Chatterjee (Das), J.)