

24.09.2025
Sl. 35-36
subadip
Ct.No.-655

SA 737 of 1974

**Jhareswar Das & Anr.
Vs.
Angur Bala Pakhira**

With

SA 738 of 1974

**With
CAN 1 of 2020**

**Manoranjan Show
Vs.
Angur Bala Pakhira**

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Roy
...for the respondent

1. None appears on behalf of the appellants.
2. Respondents are represented.
3. An application being CAN 1 of 2020 is filed seeking for passing an order for recording the abatement of the instant appeal.
4. It is said by the learned advocate for the respondent that the appellants have already died but no prayer has been made by the heirs/legal representatives of those deceased appellants to substitute them in place and stead of the deceased original appellants within the stipulated time as provided in the act. As such, the instant appeal becomes abated.

5. It is further contended by the learned Advocate that when these appellants were alive, their shares in the suit property have been transferred in favour of the respondent, leaving no interest or share of them in the suit properties.

6. As appellants have already been expired during pendency of the appeal and no step has been taken by the heirs/legal representatives of those appellants to substitute them in place and stead of the deceased appellant, this appeal becomes abated.

7. Accordingly, the instant appeal be and the same is hereby dismissed as abated.

8. The application being CAN 1 of 2020 is hereby allowed.

9. Let a copy of this order along with the Trial Court Record be sent down to the Trial Court.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on payment of requisite fees.

(Prasenjit Biswas, J.)