

22.07.2025
Ct. no.655
Sl. No.18
(Nandita)

SA 644 of 1979
With
IA No: CAN 1 of 2007 (Old No: CAN 2606 of 2007)

Rahamat Ali Gazi
Vs.
Reajuddin Khan & Ors.

Mr. Tushar Kanti Mukherjee
....for the Respondents

1. Nobody appears on behalf of the appellant.
2. Respondents are represented by the learned Advocate.
3. It is said by the learned Advocate for the respondents that during pendency of this appeal the sole appellant/convict died on 01.12.2024. In support of his contention a certificate issued by the concerned Gram Panchyat is filed before this Court. Although the appellant died on 01.12.2024 but no step has yet been taken on behalf of the appellant to substitute the heirs/legal representatives in place and stead of the deceased.
4. As no application is filed on behalf of the heirs/legal representatives of the said deceased appellant to substitute themselves in place and stead of the appellant, the instant appeal be and same is abated against the appellant.
5. It is the settled position of law that if a party dies during pendency of the appeal and no legal representative is

brought on record as enshrined in the Act, the appeal abates automatically unless delay is condoned and abatement is set aside. Thus the instant appeal be and same is hereby dismissed as abated.

6. The instant appeal being SA 644 of 1979 is disposed of. With such disposal of the appeal, connected application being CAN 1 of 2007 (Old No. 2606 of 2007) which is an application for substitution of respondent no.1 (since deceased) is also dismissed.
7. Let a copy of this order along with the Trial Court Records be sent down to the Trial Court immediately.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Prasenjit Biswas, J.)