

32 **19.09.
2025**

Ct. No.
655

Ab

SA 227 of 2005

Chaitannya Biswas
Vs.
Sunil Majumdar & Anr.

Ms. Ipsita Ghosh,
... for the respondents.

1. The appellant is not represented.
2. Learned Advocate for the respondents is present.
3. It has been submitted by the learned Advocate that during the pendency of the present appeal, the sole appellant expired on 28th December, 2015. Despite the lapse of considerable time since the demise of the appellant, no steps have been initiated by the heirs or legal representatives of the deceased appellant for their substitution on record so as to enable further prosecution of the appeal.
4. In such circumstances, as the appeal stood instituted at the instance of a sole appellant, who is no longer alive, and since no measures have been adopted to bring his heirs on record within the period prescribed by law, the inevitable consequence is that the appeal cannot survive any further and accordingly stands abated.
5. The respondents have produced a photocopy of the death certificate of the deceased appellant in support of their contention, which is directed to be taken on record and preserved with the case papers

for reference.

6. In view of the above, the present appeal is treated as having abated and is thus disposed of accordingly.
7. Any connected application(s), if pending, shall also stand dismissed in consequence thereof.
8. Let a copy of this order along with Trial Court Record be sent down to the Trial Court immediately.
9. The interim order, if there be any, stands vacated.

(Prasenjit Biswas, J.)