

21.3. 2025
item No.22
n.b.
ct. no.24

**SA 275 of 2013
with
CAN 2 of 2023**

**Fatema Begum.
Vs.
Smt. Bimala Gupta & Ors.**

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal,
Ms. PaulamiChakraborty,
..... for the respondent.

In Re. CAN 2 of 2023

Affidavit of service filed by the respondent is taken on record.

This is an application for recording of abatement of the instant appeal.

It is the contention of the learned counsel for the respondent that both the parties to the second appeal are no more. The appellants of the instant appeal have expired on August 28, 2022 and the respondent no.1 also expired on October 2, 2023. No steps for substitution being made by the appellant, the appeal has already been abated.

In terms of the direction of this Court, learned counsel for the respondent has served the application upon legal heirs of the appellant. The affidavit of service shows that the register consignment was returned to the sender with remark that “addressee moved”.

It is the duty of the appellant to take appropriate steps within the stipulated period regarding the death of

the parties. No such application was made, under the above observation, automatically the appeal has already been abated.

Hence the application being CAN 2 of 2023 is disposed of. The appeal be and the same is hereby abated.

The interim order, if any, passed by this Court during the pendency of the second appeal is hereby also vacated.

The Trial Court record if reached to this Court be also returned to the learned Court below.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)