

7th January,
2025
(AK)
16

F.A.T 189 of 2023
IA No: CAN 1 of 2023
CAN 2 of 2023

Neckchan Bewa @ Menchan Bewa since deceased, her
legal heirs Nebu Seikh @ Labu Seikh and another
Vs.
Bablu Seikh and others

Ms. Madhushri Dutta

...for the respondents.

1. At the time of call, none appears for the petitioners, although the respondents are represented through counsel.
2. Learned counsel for the respondents submits that the appeal has been filed long ten years after the passing of the impugned judgment and as such the application ought to be dismissed.
3. We find from the order dated December 24, 2024 passed in connection with the applications that an adjournment was sought on behalf of the appellants/petitioners, which was opposed by the respondent nos.1 and 2 at that juncture as well.
4. The court recorded that as a last chance to the appellants to move their applications, the same was adjourned till January 7, 2025, that is, today.
5. It was further made clear that the pendency of the applications or the appeal shall not create any impediment in the executing court proceeding with

the execution case and if necessary to conclude the same in the meantime.

6. In view of our earlier observation and since the petitioners choose not to appear even today to move their applications, there is no other option left for us but to dismiss the applications for default.
7. Accordingly, CAN 1 of 2023 (for condonation of delay in preferring the appeal) is dismissed for default.
8. Consequentially, FAT 189 of 2023, being *non est* in the eye of law, also stands dismissed along with CAN 2 of 2023.
9. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Subhendu Samanta, J.)