

Item-
1. 15-09-2025

sg Ct. 16

FAT 541 of 2016
CAN 1 of 2024
CAN 2 of 2024

Debabrata Roy
Versus
Goutam Roy

Mr. Sujit Bhunia

...for the appellant

In Re: CAN 1 of 2024 and CAN 2 of 2024

1. CAN 1 of 2024 is an application for substitution. It is stated that during the pendency of the appeal, the sole respondent, namely, Goutam Roy died intestate on 1st May, 2021 leaving behind his wife and one son, particulars whereof are mentioned in paragraph 2 of the petition.
2. The petitioner has also prayed for setting aside of the abatement as there was admittedly a delay in filing the application for substitution.
3. Both the prayers are considered. We are satisfied with the explanation for not being able to file the application for substitution within the time stipulated. We condone the delay in filing the application for setting aside the abatement.
4. Both the applications are allowed.
5. The department is directed to carry out necessary amendments within one week from date.

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6. This matter is listed under the heading “For Non-

Prosecution” as the appellant is not interested to proceed with the appeal.

7. The learned Counsel for the appellant has produced before us a letter of instruction dated 7th September, 2025 from the appellant requesting the learned Advocate for the appellant to withdraw the appeal.
8. On such consideration, after the amendments are carried out within time, the appeal stand dismissed as non-prosecution.
9. The original letter of instruction dated 7th September, 2025 from the appellant is taken on record.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)