

Order No. 28 dt. 09.01.25

Today is fixed for taking steps by the appellant regarding the death of the respondent No. 2 and hearing of the petition u/s 151 CPC filed by the respondent No. 1.

Respondents have filed hazira.

Appellant has filed an adjournment petition seeking further time for conducting the hearing of the petition filed by the respondent No. 1 and also filed another adjournment petition for taking steps for substitution. However, the Id Advocate for the appellant did not appear before this court to move the said time petitions. Hence the said time petitions are dismissed being not moved. Appellant has also filed an injunction extension petition supported by affidavit on this day which is also not moved and hence the same is also dismissed. The interim injunction granted by this court on 03.02.21 which was extended till this day now hereby stands vacated.

It appears from the instant record that the respondent No. 2 died during pendency of this appeal on 15.01.21 for which copy of death certificate has been filed by respondent No.1 on 02.3.21 but till date the respondents have not taken any step for substitution of the said respondent in this appeal for about six years. It is apparent from the conduct of the appellant in this case in seeking repeated adjournments for taking such step that it is not serious in pursuing this appeal.

Hence, appellant is now show caused as to why the instant appeal be not dismissed for non-prosecution.

To 06.03.2025 for filing of show cause reply by the appellant and hearing of the petition filed by the respondent No. 1.

Dictated & Corrected by

Sd/-

Addl. District Judge, 2nd Court
Serampore

Sd/-

Addl. District Judge, 2nd Court
Serampore.

