

T.A- 62/21
CIS -126/2016

Order No.38 dated 04.04.2023:

Today is fixed for filing show cause by the appellants.

Appellants file show cause.

Heard the Ld. Advocate appearing for the appellants and perused the show cause.

It appears from the show cause that Ld. Advocate for the appellants was busy in another Court for that reason he could not appear in Court at the time of hearing.

The cause is shown sufficient. Hence, the show cause is accepted.

It appears from the materials on record that respondent No.2 Ram Shabad Keot expired on 12.09.2022 and his legal heirs were not substituted within the period of limitation. So, the appeal has already abated by operation of law. So the question of substitution of legal heirs of deceased respondent No.1 Shambhunath Shaw does not arise at this stage. Unless, abatement is set aside, the application for substitution of legal heirs of respondent No.1 Shambhunath Shaw cannot be considered.

The appeal is stands abated.

Note accordingly in the register.

Dict. & corr. By me.
Sd/- Sri. Shailendra Kumar Singh
Addl. District Judge, 2nd Court,
Serampore, Hooghly.

Sd/- Sri. Shailendra Kumar Singh
UID No. - WB665
Addl. District Judge, 2nd Court,
Serampore, Hooghly.