

TA 25 of 2013

Order No.65 Dated 06.06.2026

There is a resolution requesting the passing of no adverse order.

Misc case 28/16 was directed to be registered on 12.08.2016. Substitution on account of death of sole appellant was refused by this Court on the ground of delay. The appellant died on 13.03.2016. The application for substitution was filed on 20.06.2016. There was thus, technically, a delay of six days, and according to the Court the appeal had abated on account thereof.

The Misc case was to set aside the abatement.

This is an appeal of 2013. The Misc case of 2016 could not be disposed of till this day despite there being no complex point of law or humongous load of facts involved therein.

With a view to expedite the disposal of the thirteen year old appeal I propose to allow the application for setting aside the abatement by compensating the respondent with costs.

Misc case 28/16 is allowed with costs at the rate of Rs.500/-. Let the heir(s) of the deceased appellant be substituted in the cause title of the memorandum of appeal. Office is to make a note in the register.

Fix 05.08.2026 for payment of costs and hearing the appeal.

Dictated & Corrected by me.

A.D.J.

Additional District Judge,
4th Court, Berhampore, Murshidabad.