

Court No. - 9

Case :- SECOND APPEAL No. - 841 of 2008

Appellant :- Ali Hasan And Another

Respondent :- Mohd. Hanif And Others

Counsel for Appellant :- V.M. Zaidi

Counsel for Respondent :- Ayub Khan,Utpal Chatterji

Hon'ble Anjani Kumar Mishra,J.

An abatement application has been filed stating therein that the sole plaintiff-respondent Mohd. Hanif died on 11.10.2012. The death certificate in this regard is also annexed alongwith the affidavit filed in support of the abatement application. Copy of the abatement application was served upon the counsel for the defendant-appellant on 24.03.2017.

Today on the matter being called out, counsel for the appellant has submitted that despite letters having been sent to the appellant, no response has been received.

Since no substitution application has been filed, the second appeal stands automatically abated, as against the plaintiff-respondent no. 1.

The other respondents arrayed in this second appeal are defendant-respondents.

As a consequence of the appeal having abated against the respondent no. 1, the appeal abates as a whole and is accordingly dismissed as abated.

Interim order, if any, stands discharged.

Order Date :- 22.3.2018

Mayank