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01.5.2025  
Ct. No. 8  
SB

FA 463 of 2003  
CAN 2 of 2005 (Old No. CAN 8236 of 2005)  
CAN 3 of 2009 (Old No. CAN 6371 of 2009)  
CAN 9 of 2021  
CAN 10 of 2023  
Ashim Bose and Anr. (Amarendra Nath Bose since deceased)  
Vs.  
Dinesh Chandra Bhandari  
  
Mr. Anirban Bose  
Mr. Chandrachur Biswas ... for the appellant

1. The appeal as on date stands abated as the sole respondent has not been substituted. We do not find any application for substitution of the legal heirs of the sole respondent. It transpired from the record that the sole respondent has died during the pendency of the Ejectment Suit No. 314/09 and no steps have been taken for substitution of the legal heirs of the sole respondent in this proceeding. The notice was sent to the dead person and the department has received an undelivered envelope from the postal department. By reason of failure to take out an application for substitution the appeal is abated. No further direction could be passed with regard to hearing of the appeal unless the abatement is set aside on being good cause shown for not substituting the legal heirs of the sole respondent.
2. However, liberty is given to the appellant for recalling of this order in accordance with law.

CAN 2 of 2005 (Old No. CAN 8236 of 2005)

3. The application is appearing in the list by mistake as the application was disposed of on 01.3.2012.

The department must make an appropriate endorsement with regard to disposal of the said application as on 01.3.2012. The said application shall not be shown as pending application.

CAN 3 of 2009 (Old No. CAN 6371 of 2009)

4. In view of the order passed in CAN 2605 of 2011, this application although filed earlier on time with the self same prayers stands disposed of by recording that the substitution was allowed in CAN 2605 of 2011 on 01.3.2012.

CAN 9 of 2021

5. This application shall be considered provided the order of setting aside the abatement of the appeal is recalled and the appeal is restored to its original file. For the time being it stands dismissed.

CAN 10 of 2023

6. In view of the fact that the appeal has been dismissed on the ground of abatement, CAN 10 of 2023 also stands dismissed with the same liberty is granted earlier.
7. The application is dismissed as abated.

(Soumen Sen, J.)

(Smita Das De, J)