

**IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE,1st COURT
DAKSHIN DINAJPUR AT
BALURGHAT**

PRESENT : Shri Ansuman Chattopadhyay
Addl.District & Sessions Judge-1
Dakshin Dinajpur at Balurghat
JO Code : WB00-820.

TITLE APPEAL NO. 23 OF 2012
Computer Regn.No.55 OF 2014
CNR : WBDD01-001715-2012

ORDER NO. 84
DT. 08.06.2026

Today is fixed for steps by the appellant in respect of deceased respondent no.1(ka) namely, Swagata Sarkar.

Both parties filed hazira.

In addition, the appellants preferred a verified application thereby stating that the said respondent no.1(ka) had expired on 06/06/2024 leaving behind legal heirs, who had already been impleaded in this appeal as respondent nos. 1(kha) & 1(Ga).Accordingly, by way of the subject petition, the appellants prayed for expunging the name of respondent no.1(ka) Swagata Sarkar.

Ld.Advocate moved the said petition by reiterating the contents thereof.

Copy of the petition served on the other side.

No objection raised on behalf of the respondents.

On perusal of the record, it appears that the two children of the deceased/respondent have truly been impleaded as respondent nos.1(kha) & 1(ga) by way of order dated 12/05/2022, allowing a prayer for substitution dt. 17/03/2022.

In such circumstances, as the legal heirs are already impleaded, the question of abatement for non-substitution does not arise.

I do not find any impediment to allow the present prayer.

Petition stands allowed on consent.

Respondent no. 1(ka) Swagata Sarkar stands expunged.

The appellants are directed to file an amended Memo of Appeal positively on the next date fixed by incorporating the facts of all such expunge and substitutions as made in this appeal till date.

Fix 18/07/2026 for filing of amended Memo of Appeal and hearing of the appeal.

Both parties must come ready.

Dictated & Corrected by

A.D& S.J-1

Addl.District & Sessions Judge-1
Dakshin Dinajpur at Balurghat

