

Misc. Appeal-27 of 2023

Reg. No.-09/2021
WBEM01-00 0958-2021

Present : Malati Karmakar.
A.D.J., 3rd Court, Tamluk.
JO Code WB 00 643

Order No.-27, dated 05-06-2026.

Legal Heirs of Sole Appellant file hazira through Ld. Advocate.

Sole Respondent files hazira through her Ld Advocate.

Today is fixed for hearing of the petitions dt: 16-04-2026 filed by the Legal Heirs / Petitioner of Sole Appellant.

Ld. Advocates of both sides are found present.

Record is taken up for hearing of the petition U/O-22 Rule-3 of CPC dated 16-04-2026 filed on behalf of the Legal Heirs / Petitioner with the prayer for substitution.

Heard both sides. No objection is raised on behalf of the respondent against such prayer.

In the said petition it is submitted that during pendency of this Appeal, Sole Appellant Baneswar Baksi died on 02-02-2026 leaving behind his wife namely, Smt Basanti Baksi, two sons namely Nikhil Baksi & Asit Baksi.

Therefore, it is prayed to substitute the name of the legal heirs of the deceased Appellant, according to the schedule of substitution, mentioned in the application and also after noting 'dead' against the original Appellant.

It appears that the Sole Appellant died on 02-02-2026 and the instant application has been filed on 16-04-2026.

Hence, in the facts and circumstances let the name of legal heirs of deceased Appellant be noted in place of deceased Appellant in the memorandum of Appeal as Appellant No-1/a, 1/b & 1/c respectively.

Fix **16-11-20026** for filing amended memorandum of appeal by the Appellants and hearing of the petition U/O-1 Rule 10(2) of CPC dated 16-04-2026 filed by the Legal Heirs of the deceased Appellant.

D/C by me.

3rd Court , Tamluk.

3rd Court , Tamluk.