

**Present :**        **Suvadip Chowdhury**  
**Additional District & Sessions Judge**  
2<sup>nd</sup> Court, Contai.

**T.A 14 of 2008**

**CNR- WBEM09- 000239-2008**

**Order No. 126 dated 05-03-2024**

Today is fixed for the S/R and A/d upon the respondent nos 6(ka) to 6(ga) and for hearing of the applications for the expunging and for substitution both dated 18.07.23.

The Ld Advocate for the appellant is present.

He submits that the track reports in respect of the service of summons upon respondents 6(ka) to 6(ga) have been filed.

The applications dated 18.07.23 are taken up for hearing.

Heard the Ld Advocate for the appellant who submits that the name of the respondent no 2(ka) Smt Basanti Dinda should be expunged from the cause title of the appeal for the reason that she died on 31.01.23 and the respondents nos 2(kha) to 2(gha) are her legal heirs who are already on record.

Regarding the other application which is for substitution of the legal heirs of the deceased respondent no 7(ka) Smt Ashalata Maity, it was submitted by the Ld Advocate that, the lady has died on 06.11.18 leaving behind no, 1<sup>st</sup> class legal heirs. In the circumstance the legal heirs of the said deceased lady are the persons mentioned in 7(ka) (1) to (4) in the application. He further submits that, in this case there is no question of abatement and this is the reason why they should be substituted in place of the deceased lady. The applications are supported by affidavit.

Considered the said submissions of the Ld Advocate. It is seen that there is in fact no question of abatement in this matter. Likewise it is also seen that in respect of the deceased respondent no 2(ka) the legal heirs are already on record.

Thus both the applications are allowed without costs.

Hence it is,

**ORDERED**

that,- the name of the deceased respondent no 2(ka) Smt Basanti Dinda is expunged from the cause title of this appeal,

that- the legal heirs of the deceased respondent no 7(ka) Smt Ashalata Maity are substituted in her place the names of the respondents no 7(ka) (1) to (4) are substituted.

The appellant is directed to take steps on the substituted legal heirs no 7(ka) (1) to (4) positively. The appellant shall file amended copy of the Memo of Appeal also by the date fixed. File requisites at once.

Fix, **24.05.24** for S/R and A/D and for report of compliance.

B.C I to comply. Update the CIS and Upload the Order.

Dic. & Corr. by me.

Sd/-

Addl. Sessions Judge,  
2<sup>nd</sup> Court, Contai

Sd/-

Addl. Sessions Judge,  
2<sup>nd</sup> Court, Contai.  
**05.03.24**