

Title Appeal No.247 of 2018

Order No.24 dated 04-11-2022:

Appellants and respondent no.1 file lawyer's hazria.

Today is fixed for hearing of the petition u/o. XXII rule-3 read with sec.151 of C.P.C filed by the appellant 24-06-2021.

The record is taken up for hearing in respect of the said petition.

It is stated in the petition filed by the petitioners Sandhya Naskar & 4 others that during pendency of the appeal appellant no.1 Sisir Naskar died on 13-05-2021 leaving behind them as his legal heirs and representatives. So, the appellant has filed this petition praying for substitution of appellant no.1 by the persons as mentioned in the the schedule of the petition.

Heard Ld. Advocate for the appellants and Ld. Advocate for the respondent no.1.

Perused the petition, photo copy of death certificate of appellant no.1, and other materials on record.

It appears from the photocopy of death certificate that the appellant no.1 died on 13-05-2021 and the petitioner filed the petition on 24-06-2021, ie. the petition was filed within the period of time.

Hence, the petition dated 24-06-2021 filed by the petitioners Sandhya Naskar and others is hereby allowed and disposed of accordingly.

Let the the name of deceased appellant no.1 Sisir Naskar be substituted by the petitioner namely Sandhya Naskar and 4 others as mentioned in the schedule of the petition as petitioner no.1(a) to 1(e) respectively.

Appellants are directed to file fresh memo of appeal incorporating legal heirs of deceased appellant no.1 as per order by the next date.

Note it in the relevant register.

To 16-12-2022 for filing fresh memo of appeal.

Addl. District Judge, 4th Court, Howrah
(J.O Code: WB00774)
04-11-2022