

Cr. Appeal No.44/2023
CNR No. WBHW0100 2761 2023
Present: Sonia Majumdar
Sessions Judge, Howrah
J.O. Code – WB01128

Order No. 07 dated 02.05.2024.

Today is fixed for hearing the petition for deleting the name of the respondent No.3.

Both the appellant and the respondents file their respective haziras through their learned Advocates.

Learned Advocate for the appellant submits that respondent No.3, Inder Praksh Singh is the father in law of the appellant. He further submits that the respondent No.3 died on 14.04.2023 during pendency of the appeal and he prays for deleting the name of respondent No.3 from the cause title of the appeal as the appellant intends to proceed with the present case against the remaining respondents, as she has sought relief against all the respondents including her husband.

Ld. Advocate for the respondents raises objection by submitting that the respondent No.3 died after order but prior to filing appeal on 15.05.2024 and the appellant filed appeal against a dead person.

In reply, Ld. Advocate for the appellant submits that during pendency of the appeal, he got knowledge about the death of respondent No.3 on 13.07.2023, when the other respondents appeared in the appeal and filed copy of death certificate of respondent No.3 and thereafter he filed the instant application on 12.09.2023.

Heard both sides. Considered.

After considering facts and circumstances of the case and submission of both sides, I am inclined to allow the petition filed by the appellant for deleting the name of respondent No.3 from the cause title of the appeal.

Hence, it is,

O r d e r e d

that the application dated 12.09.2023 filed by the appellant for deleting the name of the respondent No.3 namely, Inder Praksh Singh, from the cause title of the appeal is allowed on contest.

Let the name of the respondent No.3 namely, Inder
Praksh Singh be deleted from the cause title of the appeal.

D.A. to note accordingly.

Call for L.C.R.

To 20.06.2024 for L.C.R.

Dictated & corrected by me.

S.J.

Sessions Judge, Howrah.