

Title Appeal No. 32 of 2017

**Order No.11**

31.05.2023

Appellant is present by filing hazira.

Today is fixed for hearing petition under order 22 rule 3 of CPC filed by the appellant.

Heard Ld. Advocate for the appellant.

Considered.

Ld. Advocate for the appellants submits that the appellant namely Lookman Hossain has died on 26.01.2021 and the present petitioner being the legal heirs and representatives of the original appellant have stepped into his shoes as such their names are required to be substituted in place of the original appellant.

On perusal of the death certificate annexed along with an application for substitution, I find that the said Lookman Hossain had expired on 26.01.2021 during the pendency of the instant appeal. The application for substitution is also filed within the prescribed period of limitation. As such, taking into consideration the submissions of Ld. Advocate for the appellant, I feel there is no legal impediment to allow the petition. Hence, the petition for substitution is hereby allowed.

Let the names of legal heirs mentioned in the petition u/o 22 rule 3 of CPC be substituted in place of original appellant in the Cause title of the Memorandum of Appeal.

The Office is directed to make necessary correction in the cause title of the Memorandum of appeal.

Appellant is directed to file amended copy of Memorandum of Appeal. LCR not yet received.

Fix **09.08.2023** for L.C.R.

D/Corrected by me.

Additional District Judge  
3rd Court, Alipor

Additional District Judge