

**Title Appeal 02/2018**

**Reg. 57/2017**

**Order no. 38**

**28.08.2023**

Today is fixed for hearing of appeal.

Parties file respective hazira.

At this stage the Ld Advocate for the respondent submits before the Court that the appellant has expired and no substitution has yet been made.

The Ld Advocate for the appellant contained that he has presented petitions for substitution of deceased appellant by her legal heirs and the said petitions is lying with the record which is required to be disposed off. Perused the petition for substitution. As per petition the appellant died on 09.01.2023 and a present petition for substitution was made on 04.03.2023 i.e. well within time. The Ld Advocate for the respondent also prays for the allowing the said petition for substitution for providing pathway for speedy disposal of instant appeal.

Having regard to the presentation of instant petition for substitution within prescribe time limit and also giving thoughtful consideration of consent given by Ld Advocate for the respondent, I do not find any legal impediment in allowing the petition for substitution dated 04.03.2023.

Hence the petition for substitution dated 04.03.2023 stands allowed on consent.

Accordingly, the deceased appellant be substituted by her legal heirs as enlisted in the petition for substitution.

Fix 14.09.2023 for filing amended memo of appeal.

Thus the petition for substitution dated 04.03.2023 stands disposed off on consent.

D/C

Bikash Lama  
J.O. Code WB00935  
ADJ, F.T.C-I  
Sealdah, 24PGS (S).