

In the court of Additional District Judge, Diamond Harbour  
Dist. South 24-Parganas

T.A. No.13/2011

Order no.36 dt.07.03.19

Today is fixed for hearing of the application for substitution. Appellants file hazira and are being represented by their Ld. Lawyers. No step from the contesting respondent.

Record says that before 26.10.17 when the Appellants have prayed for substitution of the legal heirs of deceased respondent no.10Ga, on his demise on dated 31.08.17. According to the Ld. Lawyer for the appellants, Respondent no.10Ga namely Nitai Naskar has passed away on 31.08.17. The petition on carpet was filed on affidavit after serving copy to the other side. Nothing is forthcoming from the side of the respondent which can throttle the relief sought for by the appellants in their prayer for substitution.

Relying upon the statements made by the appellants on affidavit and numbness on the part of their adversary this court has reason to believe that Respondent no.10Ga has died on 31.08.17. Therefore the petition dated 26.10.17 is found to be well within time. Accordingly, the prayer for substitution is allowed. Let the legal heirs of deceased Respondent no.10Ga be arrayed as Respondent no.10Ga series. Appellants are to file up to date memo of appeal after insertion of the changes, as above and also to take steps upon the substituted Respondent no.10Ga series.

Fix 02.05.19 for S.R. A.D. + P.R. in respect of substituted Respondent no.10Ga series + filing up to date memo of appeal.

Dictated and corrected by me:

Addl. District Judge,  
Diamond Harbour

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