

Title Appeal 09/19

Order No. 30 dated 23.07.25

Today is fixed for hearing of the show cause petition and payment of cost by the respondent.

The appellant is present along with his Ld. Advocate.

Ld. Advocate for the appellant moves the show cause petition dated 09-12-24 filed by the appellant.

The reason shown by the appellant in her petition appears to be cogent and the show cause is hereby accepted.

It is submitted by the Ld. Advocate for the appellant that the respondent no. 1 Atiyar Rahaman Molla had already expired and to that effect a petition has already been filed praying for substitution of his legal heirs on 20.01.25.

It is further submitted by the Ld. Advocate for the appellant that in the meantime one of the legal heirs of deceased Atiyar Rahaman Molla being his wife namely Jobeda Bibi has also expired on 02.07.25 and another petition for substitution has been filed in this regard this day.

Both the aforesaid petition dated 20.01.25 as well as 23.07.25 are taken up for consideration.

It reveals that Atiyar Rahaman Molla expired on 21.12.24 and the petition for substitution was filed on 20.01.25 and Jobeda Bibi expired on 02.07.25 and the substitution petition was filed on this day i.e. 23.07.25. Thus both the petitions for substitution are within the period of limitation and right to sue devolved upon the legal heirs of deceased.

Accordingly both the substitution petitions are hereby allowed.

Let the legal heirs of deceased respondent be substituted and appellant is directed to file fresh memo of appeal by the next date fixed.

The appellant is also directed to take steps upon the substituted respondents.

To 24-09-25 for filing fresh memo of appeal and steps.

Additional District Judge, FTC-III

Diamond Harbour