

MC 3468/2014

BEFORE

HON'BLE MR. JUSTICE SUMAN SHYAM

Heard Mr. N. Haque, learned counsel appearing for the appellant/applicant. Also heard Mr. B. K. Sarma, learned counsel appearing for the respondent Nos. 1 and 4

Mr. Sarma submits that the respondent Nos. 5 and 6 had died during the pendency of the first appeal and the legal heirs of the said deceased respondents had also been brought on record during the pendency of the appeal before the Lower Appellate Court. However, notwithstanding the same, the Memo of Appeal filed in the present case has shown the names of deceased respondent Nos. 5 and 6, thereby, instituting the appeal itself against the dead person.

He, therefore, submits that the present is not a case for substitution of the deceased respondent Nos. 5 and 6 but institution of the appeal against the dead person.

Mr. Hoque submits that he would require some time to verify the information furnished by Mr. Sarma so as to take necessary steps.

In view of the above submissions made at the bar, Registry to list this matter after 3 (three) weeks for necessary order(s). In the meantime, Mr. Hoque may obtain necessary instruction as desired.