

04.03.2021.

32
AS

F.A. 315 of 1969
With
CAN 4 of 2004 (Old No. CAN 10369 of 2004)
With
CAN 1 of 1998 (Old No. CAN 6389 of 1998)
With
CAN 5 of 2006 (Old No. CAN 2444 of 2006)
With
CAN 6 of 2006 (Old No. CAN 2445 of 2006)
With
CAN 11 of 2012 (Old No. CAN 7045 of 2012)
With
CAN 7 of 2006 (Old No. CAN 2446 of 2006)
With
CAN 3 of 2004 (Old No. CAN 9607 of 2004)
With
CAN 8 of 2006 (Old No. CAN 4630 of 2006)
With
CAN 16 of 2020 (Old No. CAN 1937 of 2020)
With
CAN 17 of 2020 (Old No. CAN 1938 of 2020)
With
CAN 10 of 2011 (Old No. CAN 2187 of 2011)
With
CAN 18 of 2020
With
CAN 19 of 2021

Ramesh Chandra Chakraborty and others.
Vs.
Manika Chakraborty and others.

Mr. Haradhan Banerjee,
Mr. Shyamal Chakraborty.
... for the appellants/applicants.

Re: CAN 17 of 2020
(Old CAN 1938 of 2020).

Affidavit of service filed in Court today be kept
on record.

This is an application for substitution of the
heirs and legal representatives of the deceased

appellant No.6(ii) viz., Rabindra Nath Chakraborty who died intestate on 9th January, 2018 during the pendency of this appeal.

It is stated in the said application that the present appeal arises from a preliminary decree and, therefore, there is no question of abatement. The heirs and legal representatives have been shown in paragraph 5 of the instant application wherefrom it appears that they are major and *sui juris*. We do not find any justification in refusing the prayer for substitution made in the instant application.

The application being CAN 17 of 2020 (Old CAN No.1938 of 2020) is allowed. The heirs and legal representatives mentioned in paragraph '5' of the instant application be substituted in place and in stead of deceased appellant No.6(ii).

The Office is directed to make necessary amendments in the memorandum of appeal. Vakalatnama annexed to the instant application shall be treated to have been filed in the instant appeal.

Re: CAN 16 of 2020
(Old CAN 1937 of 2020).

This is an application for substitution of the heirs and legal representatives of the deceased appellant No.6(i) viz., Probir Chakraborty who died intestate on 22nd March, 2019 during the pendency of this appeal.

It is stated in the said application that the present appeal arises from a preliminary decree and, therefore, there is no question of abatement. The heirs and legal representatives have been shown in paragraph 5 of the instant application wherefrom it appears that they are major and *sui juris*. We do not find any justification in refusing the prayer for substitution made in the instant application.

The application being CAN 16 of 2020 (Old CAN No.1937 of 2020) is allowed. The heirs and legal representatives mentioned in paragraph '5' of the instant application be substituted in place and in stead of deceased appellant No.6(i).

The Office is directed to make necessary amendments in the memorandum of appeal. Vakalatnama annexed to the instant application shall be treated to have been filed in the instant appeal.

**Re: CAN 18 of 2020
&
CAN 19 of 2021**

Let both the applications be listed on 11th March, 2021 for hearing.

(Harish Tandon, J.)

(Kausik Chanda, J.)