

23.07.2025
Ct. no.655
Sl. No.40
(Nandita)

**SA 383 of 2010
With
CAN 6 of 2024
With
CAN 7 of 2024**

**Smt. Bero Kumarin & Ors.
Vs.
State of West Bengal & Ors.**

Ms. Shila Sarkar

....for the Appellants

Ms. Supriya Sasmal,
Mr. Dilip Kumar Sadhu

....for the Respondents

In Re: CAN 6 of 2024

1. This is an application seeking for making note in the cause title of the memorandum of appeal regarding death of the respondent no.4, Bipin Kumar.
2. Learned Advocate representing the respondent nos. 2 to 8 is present.
3. It is said by the learned Advocate for the appellants that during pendency of this appeal the respondent no. 4 Bipin Kumar died intestate on 4th July, 1982 leaving behind his heirs/legal representatives who are already on record in this appeal as respondent nos. 2 and 3.

4. Accordingly, as the heirs of Respondent No. 4 are already on record, there is no legal or procedural impediment in allowing the instant application.
5. Accordingly, the application being CAN 6 of 2024 is **allowed.**
6. Department is directed to make necessary amendment in the cause title of the memorandum of appeal.
7. Thus, the Application being CAN 6 of 2024 is disposed of.

In Re: CAN 7 of 2024

8. This is an application seeking for substitution of the heirs/legal representatives of the deceased respondent no. 8(c) Mahadeb Kumar.
9. It is stated that during pendency of this appeal the respondent no. 8(c) died intestate on 10th August, 2024 leaving behind these petitioners as his heirs/legal representatives. The said legal representatives are major and sui-juris and they do not suffer from any legal disability.
10. Since the present petitioners are competent to safeguard the interest of the estate of the deceased Respondent No. 8(c), and there is no question of minority, unsoundness of mind, or any other disqualification, there exists no legal bar or procedural impediment in substituting them in

place of the deceased respondent. The application is filed within the stipulated period of the time as enshrined in the Act.

11. Learned Advocate for the respondents raises no objection.

12. Accordingly, in the facts and circumstances stated hereinabove, the substitution of the petitioners in place of deceased Respondent No. 8(c) deserves to be allowed, and there is no legal impediment in allowing the instant application.

13. Accordingly, the application being CAN 7 of 2024 with a prayer for substitution of the deceased respondent no. 8(c) is hereby **allowed**.

14. The heirs/legal representatives of the said deceased are to substituted in place and stead of the deceased Respondent No.8(c) in this appeal.

15. Department is directed to make necessary amendment in this regard.

16. Thus the application being CAN 7 of 2024 is allowed and disposed of.

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17. Both the parties are represented by the learned Advocate.

18. It is said by the learned Advocate for the appellants that the paper books have already been filed before the department. Case is otherwise ready for hearing.

17. Let this matter appear in the list on **28th August, 2025.**

(Prasenjit Biswas, J.)