

Ct. 23.8
No. 652
2023
168
akb

S.M.A. 87 of 1965

With
IA. No. CAN 1 of 2022
With
IA. No. CAN 2 of 2022

Indra Chandra Gupta @ Agarwalla & Ors.
-Versus-
Smt. Tustumoni Dasi & Ors.

Mr. Gopal Chandra Ghosh
Mr. Rajkrishna Mondal ...For the Appellant

Mr. Pinaki Ranjan Mitra
Mr. Lalmohan Basu ...For the Respondents

Re.: IA. No. CAN 1 of 2022

It is submitted that the respondent No. 1 / plaintiff, Tustumoni Dasi died long back but it was not within their knowledge and as such the appeal got abated in respect of the said respondent No. 1.

The petitioner by filing this application prayed for condonation of delay in filing the application and also prayed for setting aside the order of abatement.

Learned Counsel appearing on behalf of the respondents did not raise serious objection but he submitted that a date be fixed for hearing of the appeal.

Considering the grounds shown in the application, the prayer for condonation of delay in filing the application for abatement is allowed.

In such view of the matter the prayer for setting aside abatement is also allowed.

The application, being IA. No. CAN 1 of 2022 is, thus, disposed of.

Re.: IA. No. CAN 2 of 2022

This is an application wherein the application / petitioner, Durga Adhikari, grand daughter of Sm. Tustumoni Das has sought to be added as a party respondent in the instant appeal.

Learned Counsel appearing on behalf of the appellant / opposite party did not raise any objection.

Accordingly, the name and description of Durga Adhikari, as mentioned in paragraph 2 of the application be added as respondent No. 1(a).

The application, being IA. No. CAN 2 of 2022 is accordingly disposed of.

The department is directed to make necessary correction in the cause title of the appeal.

Let the matter be listed under the heading 'Application'.

Liberty to mention the matter for enlistment.

(Ajoy Kumar Mukherjee, J.)