

18.10.2023
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Ct. no. 652
sb

**SMA 87 of 1965
With
CAN 3 of 2023
CAN 4 of 2023**

**Indra Chandra Gupta @ Agarwalla & ors.
Vs.
Smt. Tustumoni Dasi & ors.**

Mr. Gopal Chandra Ghoshfor the Appellants

Mr. P.R. Mitra
Mr. Lalmohan Basu ...for the Respondents

Re: CAN 4 of 2023

This is an application for substitution of the legal heirs of deceased respondent no. 2, Baidya Nath Kundu who died intestate leaving behind legal heirs mentioned in paragraph 6 (B) of the application.

Learned counsel for the respondents did not raise any objection. Let the name of legal heirs of deceased respondent no. 2 be substituted in place of deceased Respondent No.2.

The department is directed to make necessary correction.

It is further submitted that the respondent no. 1, Tustumoni Dasi also died leaving behind Durga Adhikari and some other legal heirs mentioned in paragraph 6(A) of the application. By the order dated 23rd August, 2023, the name of Durga Adhikari has

been incorporated but the name of legal heirs have not been incorporated and accordingly prayed for a direction upon the department for incorporation of the name of other legal heirs of said respondent no 1. in the cause title of the Memo of Appeal.

Learned counsel for the respondents also did not raise any objection to such prayer.

The department is directed to incorporate the name of other left out legal heirs of deceased respondent no. 1 in the cause title of the memo of appeal.

CAN 4 of 2023 is accordingly disposed of.

Re: CAN 3 of 2023

In view of disposal of CAN 4 of 2023, CAN 3 of 2023 is also disposed of.

Re: SMA 87 of 1965

The department is directed to tag the lower court record with the appeal.

Let the matter appear in the Monthly list of January 2024 under the heading **“Appeal for Hearing”**.

(Ajoy Kumar Mukherjee, J.)