

Court No. 38

10.4.2026

(Item No. 18)

(AB)

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

(Assigned)

SMA 87 of 1965

+

CAN 5 of 2026

Indra Chandra Gupta @ Agarwalla & Ors.

Vs.

Durga Adhikari & Ors.

(Smt. Tustumoni Dasi since deceased)

Mr. Gopal Chandra Ghosh

Mr. Rajkrishna Mondal

....for the appellants

Mr. Pinaki Ranjan Mitra

Mr. Lal Mohan Basu

.... For the respondents

In Re: **CAN 5 of 2026**

Mr. Gopal Chandra Ghosh, learned senior advocate appears for the appellants.

Mr. Pinaki Ranjan Mitra, learned advocate with Mr. Lal Mohan Basu, learned advocate appears for the respondents.

This is an application taken out by the appellants for substitution of the original **respondent no. 1(a)**.

Learned senior advocate Mr. Gopal Chandra Gosh submits that the application has been filed within time.

On instruction from his clients Mr. Pinaki Ranjan Mitra, learned advocate appearing for the respondents submits that, they have no objection if

the substitution application is allowed and the substituted respondent is incorporated in the appeal.

In view of the above, the substitution as prayed for stands **allowed**.

In any event abatement, if any, stands set aside.

The department concerned shall carry out the necessary amendment in the appeal cause papers to incorporate the substitution positively within **six weeks** from date. All formalities shall be complied with by the appellants.

The appellants then shall serve a copy of the cause papers of the amended appeal upon Mr. Pinaki Ranjan Mitra, learned advocate appearing for all the respondents.

Accordingly, application being **CAN 5 of 2026** stands **allowed**.

Considering the age of pendency of the appeal and considering the reality that possibility of one after another substitution for the individual parties may ultimately be inevitable, this Court thinks this is the right time the parties must settle the dispute amongst themselves.

Learned advocate on record for the parties upon notice to each other after consulting with their respective clients shall also be at liberty to mention this matter and if necessary the Court may appoint a

Mediator before whom the parties can express their terms and get the issue settled.

The matter shall appear for further direction under the heading **“Second Appeal (Assigned)”** on **August 7, 2026**.

(Aniruddha Roy, J.)