

10.04.2026.
Item No. 9.
Court No. 13
ap

F.A. No. 176 of 1998
With
IA NO: CAN/3/2003 (Old CAN/1217/2003)
With
IA. No. CAN/4/2007 (Old CAN/2261/2007)

Sudhangshu Kumar Dey
Versus
Ashok Kumar Dey

Mr. Anit Kumar Rakshit.

...For the appellant.

1. Despite service of notice on the contesting respondents, they are not represented. Affidavit-of-service filed in Court today be taken on record.

Re: CAN 3 of 2003 (Substitution)

2. This is an application for substitution of the deceased sole appellant, namely, Sudhangshu Kumar Dey, who died on 27th December, 2002. He is survived by his wife, one son and one daughter.

3. Having regard to the averments made in the said application, the sole appellant, namely, Sudhangshu Kumar Dey be substituted by Malati Dey (wife), Panchanan Dey (son), Ila Mallick (daughter) as appellant nos.1(a), 1(b) and 1(c) respectively.

4. The Registry of this Court shall carry out necessary amendments in the cause title.

5. Since the application for substitution has been filed within time, the abatement of the appeal against the sole appellant, if any, shall stand set aside.

6. In view of the above, the application being CAN 3 of 2003 is allowed and disposed of.

7. There will be no order as to costs.

Re: CAN 4 of 2007 (Substitution)

8. This is an application for recording the death of the deceased appellant no.1(a) in the appeal, namely, Malati Dey, who died on 28th January, 2007. She is survived by her son and daughter.

9. Since after filing of CAN 3 of 2003, the appellant no.1(a), namely, Malati Dey has died and the names of her legal heirs are already on record.

10. Let the name of Malati Dey be expunged from the array of the parties.

11. The Registry of this Court shall carry out necessary amendments in the cause title.

12. The abatement of the appeal against the appellant no.1, if any, shall stand set aside.

13. In view of the above, the application being CAN 4 of 2007 is allowed and disposed of.

14. There will be no order as to costs.

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15. List the appeal in the Monthly Combined List of May, 2026 under the heading “**Hearing**”.

16. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)