



19.09.2025  
Ct. no.655  
Sl. No.42  
(Nandita)

**SA 267 of 2008  
With  
IA No: CAN 6 of 2025**

**Mannan Sk. & Ors.  
Vs.  
Rahit Sekh (since deceased) rep. by his legal  
heirs Aasia Bewa & Ors.**

Mr. Gautam Das,  
Mr. Debnarayan Patra  
... for the Appellants  
Mr. S. Bhattacharjee  
...for the Respondents

**In Re: CAN 6 of 2025**

1. This is an application seeking for substitution of the heirs/legal representatives of the deceased defendants/appellant no. 13, Namaji Sekh.
2. The parties are represented by the learned Advocates.
3. It has been submitted by Mr. Goutam Das, the learned Advocate for the appellants that during pendency of the present appeal, appellant no. 13, namely Namaji Sekh, expired on 12.08.2025, leaving behind his heirs and legal representatives, whose particulars have been duly set out in paragraph no. 8 of the substitution application. The said application has been filed well within the period of limitation as prescribed under the relevant provisions of law. Though in the cause title of the application it has been inadvertently mentioned that substitution has been sought after setting aside the



abatement, in reality, such a situation does not arise in the present case. Since the application has been brought on record within the stipulated time, there is no question of abatement having taken place. The prayer for substitution, therefore, is required to be considered on its own merit, treating the same as a timely application filed for bringing the legal heirs of the deceased appellant on record.

4. Since appellant no. 13 has unfortunately expired during pendency of the present proceedings, it has become necessary, in the interest of justice, to substitute his heirs and legal representatives in his place and stead. The particulars of such heirs/legal representatives have been duly disclosed in the application, and it is noted that they are all major in age, of sound mind, and fully competent in law to represent the estate and interest of the deceased appellant. In these circumstances, there exists no legal bar or impediment to the substitution being effected. The application, therefore, merits consideration, and the heirs/legal representatives of the deceased appellant no. 13 are required to be brought on record in his place. Such substitution is essential to ensure the proper continuation of the appeal and to safeguard the rights and liabilities, if any, that devolve upon the legal heirs of the deceased appellant.



5. Accordingly, the heirs and legal representatives of appellant no. 13 deserve to be substituted in his stead, so that the matter may proceed further in accordance with law without being rendered infructuous on account of his demise.
6. Accordingly, the application being CAN 6 of 2025 is **allowed.**
7. Department is directed to make necessary amendment in the cause title of the memorandum of appeal.

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8. Both the parties are represented by the learned Advocates.
9. The Vakalatnama on behalf of the appellants has been filed before this Court and the same is taken on record and is hereby accepted.
10. The Department is directed that in the event any application is made on behalf of the appellants for obtaining certified copies of any document connected with this case, the same shall be duly furnished to them, subject to compliance with the prescribed legal formalities. Such certified copies shall be supplied strictly in accordance with law and on realization of the requisite fees as provided under the applicable rules. The Department shall ensure that there is no undue delay in processing such request, and that the appellants are extended the facility of receiving certified copies of the documents to which they are



entitled, so that they may effectively pursue their legal remedies.

11. Let the matter appear in the list four weeks after reopening of this Court following “Puja Vacation”.

**(Prasenjit Biswas, J.)**