



Ct. No. 20.03
652 2024
159
akb

S.A. 156 of 2004
Smt. Purnima Saha
-Versus-
Dilip Kumar Saha

Mr. Anit Rakshit

...For the Petitioner/Appellant

Mr. Prabir Maji

...For the Respondent/Opposite Party

Re.: IA. No. CAN 3 of 2023.

This is an application wherein the petitioner has sought to setting aside the order dated 22nd June 2023 by which this Court was pleased to dismiss the appeal on the ground of default. The petitioner has prayed for restoration of the said appeal in its original file and number.

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

Prayer of the petitioner is accordingly allowed.

Let the second appeal, being S.A. 156 of 2004 be restored to its original file and number.

The application for restoration, being IA No. CAN 3 of 2023 is accordingly disposed of.

Re.: IA. No. CAN 4 of 2023.

This is an application for substitution wherein the petitioner has contended that the sole appellant, Smt. Purnima Saha, died intestate leaving behind her two sons and one married daughter as mentioned in the cause title of the application.

Learned Counsel appearing on behalf of the



respondent did not raise any objection.

The legal heirs as mentioned in the cause title, who are all major sui-juris and the application is well within the statutory period and accordingly the prayer is allowed.

The department is directed to make necessary corrections accordingly.

The application, being IA. No. CAN 4 of 2023 is accordingly disposed of.

The application, being IA No. 1 of 2003 (Old No. CAN 5799 of 2003) has already been disposed of vide order dated 8th September, 2003, accordingly, let it be deleted from the cause list.

S.A. 156 of 2004

The concerned department is directed to call for the lower Court records immediately.

Let the appeal be listed under the heading “*Hearing of Appeals*” in the monthly list of **May, 2024**.

(Ajoy Kumar Mukherjee, J.)