

DL. August
6 26, 2022
&
7.

F.A. 240 of 2010
With
F.A. 241 of 2010

Mumtaz Begum & ors.
Vs.
Arfanessa Bibi & ors.

Re: CAN 5068 of 2017 (recording death)
filed on May 18, 2017 in F.A. 240/2010;
And
CAN 5071 of 2017 (recording death)
filed on May 18, 2017 in F.A. 241/2010.

Mr. Somenath Ghosh,
...for the appellant.

Mr. Golam Mastafa,
Mr. Arshad Hossain,
Mr. Suhrid Sur,
...for the respondents no. 2 to 5.

These applications have been filed for recording the death of the appellant no. 1, namely, Mumtaz Begum. The appellant no. 1 died intestate on February 20, 2017 leaving behind her two sons and one daughter. The heirs and legal representatives of the deceased appellant no. 1 are already on record as appellants no. 2, 3 and 4.

In view thereof, the applications are allowed recording the death of the appellant no. 1 and also recording that the heirs and legal representatives of the deceased appellant no. 1 are already on record as the appellants no. 2, 3 and 4.

Office is directed to carry out necessary amendment in the cause title of the memoranda of appeal.

There will be no order as to costs.

Re: CAN 5672 OF 2011 (Appropriate order)
Filed on June 16, 2011 in F.A. 240/2010.

This is an application for carrying out necessary repair of the portions under the occupation of the appellants/petitioners. In the application, it has been stated that liberty may be given for implementation of the order dated June 29, 2010 by which they were permitted to effect repair works according to the list of repairs mentioned in paragraph 29 of the instant application. This application was filed on June 16, 2011 but never moved before.

Under such circumstances, we do not find any reason to pass any order on this application after lapse of 11 years from the date of filing the application.

The application, thus, stands dismissed without any order as to costs.

However, this order will not prevent the appellants/petitioners to take out fresh application on proper materials, if occasion so demands.

Re: CAN 9001 of 2010 (repair)
Filed on October 4, 2010 in FA 240/2010.

This is an application for further repair of the portions under occupation of the appellants/petitioners. This application was filed on October 4, 2010, but no attempt was made to move this application before. As on date, the application has lost its relevancy.

Accordingly, the application stands dismissed without any order as to costs.

However, this order will not prevent the appellants/petitioners to take out a fresh application, if situation so demands.

It appears that the appeals are, otherwise, ready for hearing.

List both the appeals be listed for hearing in the monthly combined list of cases for the month of November 2022.

(Soumen Sen, J.)

dns

(Siddhartha Roy Chowdhury, J.)