



6.6.2023
64
Ct. no. 652
sb

**SA 417 of 1987
With
CAN 11 of 2023
CAN 12 of 2023
CAN 13 of 2023**

**Ranendra Nath Roy
Vs.
Sri Somenath Roy & Ors.**

Mr. Dilip Kumar Maity ...for the Appellant

Mr. Manas Saha
Mr. Abhishek Banerjee ...for the respondent no. 2(a)

In Re: CAN 13 of 2023

Affidavit of service filed by the appellant is taken on record.

Respondent no. 2(a) is represented. Other respondents are not represented.

This is an application for condonation of delay in filing the application for substitution after setting aside the abatement on the death of respondent no. 1 (c) namely, Smt. Namita Santra. The grounds for condonation of delay shown in the application appears to be sufficient.

Learned counsel for the respondent no. 2(a) raised no objection and accordingly, the delay in filing the application for substitution is condoned.

CAN 13 of 2023 is accordingly disposed of.

**In Re: CAN 11 of 2023**

This is an application for substitution after setting aside abatement on the death of respondent no. 1(c). It is submitted that substituted respondent no. 1(c) namely, Smt. Namita Santra died intestate on 8.4.2016 leaving behind her legal heirs and representatives who are major and sui juris and accordingly her name may be expunged and in her place her heirs mentioned in paragraph 3 may be substituted. Prayer is considered and allowed.

CAN 11 of 2023 is accordingly disposed of.

The department is directed to make necessary correction in the cause title.

In Re: CAN 12 of 2023

This is an application for substitution on the death of respondent no. 1(b) namely, Ramanath Roy. It is submitted that said respondent died on 6.4.2023 leaving behind her heirs mentioned in paragraph 3 of the application and said legal heirs are major and sui juris and of sound mind and otherwise fit and competent person to proceed with the instant appeal. The petition is within the statutory period and as such it is allowed.

CAN 12 of 2023 is accordingly disposed of.

The department is directed to make necessary correction in the cause title and will call for lower court record by special messenger, the cost of which would be



borne by the appellant and the appellant shall deposit
such cost within one week.

(Ajoy Kumar Mukherjee, J.)