

22.11. 2024
item No.100
n.b.
ct. no. 24

S. A.166 of 2007

with
IA No. CAN 2 of 2011(Old No. CAN 4693 of 2011)

Santosh Ghosh

Vs.

Gouribala Ghosh

Mr. Tapas Kumar Majunder
..... for the appellant.

Mr. Susenjit Banik,
Mr. Mrinal Saha,
.... For the respondent nos. 11 to 21.

In Re. CAN 2 of 2011(Old No. CAN 4693 of 2011)

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

This is an application for substitution.

It is the submission of the learned counsel for the
appellant that the respondent no.4 namely, Badal
Ghosh has expired on March 27, 2011 leaving behind
the legal heirs mentioned in paragraph 3 of the
application.

He submits that the instant application was filed
within the statutory period of limitation within time. So,
he prayed for necessary order for substitution.

Learned counsel appearing on behalf of the
respondent submits that the application being CAN 2 of
2022(Old No. CAN 4693 of 2011) is true and bona fide.

Considering the submission of the parties, the application being CAN 2 of 2011(Old No. CAN 4693 of 2011) is considered and allowed.

The office is directed to substitute the name of the legal heirs of the deceased respondent no.4 in the cause title of the memo of the appeal within fortnight.

Learned counsel appearing on behalf of the respondent is at liberty to file the Vakalatnama on behalf of the added respondent.

CAN 2 of 2011(Old No. CAN 4693 of 2011) is disposed of.

Learned counsel for the appellant submits that during the pendency of the instant appeal some other respondent has already expired.

Considering the submission, the instant matter go out of list.

Appellant is at liberty to take appropriate steps.

Parties also at liberty to inspect the record.

Liberty to mention.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)