

21.09.2022
SL No.30
Court No.8
(gc)

SA 271 of 2014
CAN 1 of 2011 (Old No: CAN 8741 of 2011)
CAN 4 of 2021
CAN 5 of 2021

Md. Mofizuddin & Ors.
Vs.
Nizamuddin & Ors.

Mr. Suprobhat Bhattacharya,
Md. Habibur Rahman,
...for the Appellants.

Re: CAN 4 of 2021

This is an application for condonation of delay in filing the application for restoration. We find from record that the application for restoration was allowed on 13th June, 2022. In view thereof, the application being CAN 4 of 2021 deemed to have been allowed on the same date, although, it was not noticed by the Coordinate Bench.

Accordingly, the application being CAN 4 of 2021 is disposed of with the aforesaid observation.

Re: CAN 5 of 2021

This is an application for expunging the name of the respondent No.1, Nizamuddin, who died on 11th October, 2013 during the pendency of this appeal. It is stated that all the legal heirs of the deceased defendant/respondent No.1 are on record.

In view thereof, the department is directed to record the death of the defendant/respondent No.1 on 11th October, 2013 and delete his name from the cause title of

the memorandum of appeal and the related papers within one week from the date of communication of this order.

Accordingly, the application being CAN 5 of 2021 stands disposed of.

The matter shall be listed on 1st November, 2022.

(Uday Kumar, J.)

(Soumen Sen, J.)