

08.07.2024
Item no.01
Court No. 50

**Ashim Bose & Anr. (Amarendra
Nath Bose Since Deceased)**

Vs

Dinesh Chandra Bhandari

Ld. Advocate Mr. Satyajit Senapati appears for appellant.

Ld. Counsel for the appellant submits that defendant Dinesh Chandra Bhandari has already died and the appeal is kept pending only for non-compliance of the direction of this court.

Ld. Counsel further submits that the copy of the Order dated 30.08.2017 passed in Ejectment Suit No. 314/09 indicates that the defendant Dinesh Chandra Bhandari since deceased has already been represented his legal heirs namely Jyotsna Bhandari and Smt. Soma Dutta.

Ld. Counsel thus, submits that the exhibits may be collected from those legal heirs of the defendant immediately.

Perused the office report dated 28.06.2024.

It transpires from the office report that in due compliance with the direction of this court, four files of T.C.R in connection with Title Suit No. 1251/1983 have been received from the court of Ld. Assistant Registrar, City Civil Court, Calcutta and pursuant to the further communication for sending the Exhibit A to H, the Ld. Assistant Registrar, City Civil Court, Calcutta vide letter dated 18.01.2024 has stated that despite issuing intimation letter to the defendant namely Dinesh Chandra Bhandari, those Exhibits could not be recovered as yet.

It is specifically submitted before this court that the defendant Dinesh Chandra Bhandari has already died and he has been substituted by his legal heirs namely Jyotsna Bhandari and Smt. Soma Dutta.

Since, Exhibits A to H have been withdrawn on behalf of the defendant by virtue of the Order dated 30.07.2005, the notice served upon Dinesh Chandra Bhandari seems to be ineffective due to demise of the said defendant.

In view of the same, the Ld. Registrar, City Civil Court, Calcutta is hereby directed to obtain those exhibits marked as A to H from the substituted defendant of Dinesh Chandra Bhandari, since deceased immediately and to retransmit the same within a period of two weeks from date, in default, the matter will be placed before the Hon'ble Bench for necessary direction.

(Nabanita Ray)
Registrar Administration (L&OM)