

27-02-2026

ct no. 13

Sl. 4

sp

FA 463 of 2003

With

CAN 11 of 2025

With

CAN 12 of 2025

Ashim Bose & Anr. (Amarendra Nath Bose since
deceased)

-Versus-

Dinesh Chandra Bhandari

Mr. Mainak Das,
Mr. Arindam Chatterjee.

...for the appellants.

CAN 11 of 2025.

1. CAN 11 of 2025 is an application for recall of the Court's order dated 1st May, 2025.
2. By the said order, the appeal was held to have abated since the appellants did not substitute the legal heirs of the deceased/respondent. Liberty was, however, reserved to seek recall of the said order upon application being made for substitution.
3. Having regard to the fact that CAN 12 of 2025 has been filed, the order dated 1st May, 2025 shall stand recalled to the extent that the appeal was held to have been abated. Delay in filing CAN 12 of 2025 is also condoned.
4. CAN 11 of 2025 is allowed and disposed of.

CAN 12 of 2025.

5. CAN 12 of 2025 is an application for substitution of the sole respondent Dinesh Chandra Bhandari who died during the pendency of the appeal.

6. The legal heirs, namely, Smt. Jyotsna Bhandari and Smt. Soma Dutta, who are the wife and daughter of the deceased respondent Dinesh Chandra Bhandari. The address of Smt. Jyotsna Bhandari is same as that of the deceased original respondent Dinesh Chandra Bhandari. The address of Smt. Soma Dutta is 17B, Gopi Bose Lane, Police Station- Bowbazar, Kolkata-700012.

7. Having regard to the facts and circumstances of the case, this Court is of the view that the aforesaid two persons, namely, Smt. Jyotsna Bhandari and Smt. Soma Dutta may be substituted/impleaded as respondent nos. 1(a) and 1(b) in place and stead of deceased original sole respondent Dinesh Chandra Bhandari.

8. The Registry shall carry out the amendment in the cause title expeditiously.

9. CAN 12 of 2025 is allowed and disposed of.

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10. List the appeal on **10th April, 2026** for further consideration.

11. The appellants shall notify the substituted respondents of the subject order.
12. The abatement of the appeal shall stand set aside.
13. List the appeal accordingly.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)