



SA- 110 of 1998

**31.07.2024
Item no.02
Court No.50**

**Gour Mohan Mondal & Ors.
Vs.
Harendra Nath Halder**

Ld. Advocate Mr. Gazi Farvque Hossain
appears for Appellant.

Ld. Counsel for the appellant submits that
the service upon respondent nos. 7(c)(ii),
16(gha)(A-C), 16 (Uma)(A-B), 17(b-d) is
complete and affidavit of service has
already been filed.

Ld. Counsel further submits that two
substitution applications have been filed
after demise of respondent no. 16(gha),
Sri Prasanta Mondal and respondent no.
9(kha), Shymal Mondal and both these
substitution applications are filed within
time and let the same be allowed.

Perused the office report dated
29.07.2024.

It transpires from the office report that in
due compliance with the direction of this
court dated 10.07.2024, the appellant
has filed affidavit of service on
19.07.2024 along with copy of 'Bartaman'
Newspaper dated 18.03.2024 showing
the substituted service effected upon
respondent nos. 7(c)(ii), 16(gha)(A-C), 16
(Uma)(A-B), 17(b-d).

The particular of the said respondents
have been compared with the
memorandum of appeal and the said
notice of appeal is deemed to have been
properly served.

In view of the above, the service of notice
of appeal upon respondent nos. 7(c)(ii),
16(gha)(A-C), 16 (Uma)(A-B), 17(b-d)
appears to be complete.



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Accordingly the department is directed to proceed in accordance with law.

It also reported that one application for substitution being CAN 27/2024 has been filed on 10.01.2024 after demise of respondent no. 16 (gha), Sri Prasanta Mondal who died intestate on 10.01.2024 leaving behind his wife and son as his legal heirs.

As per the report the said application is filed within time and all the proposed legal heirs are major and Sui Juris.

Thus, the substitution application being CAN 27/2024 appears to be filed in accordance with the prescribed procedure of law.

Hence, the same is allowed. The department is directed to proceed in accordance with law.

It is also reported that another substitution application being CAN 28/2024 has also been filed on 01.04.2024 after demise of Shymal Mondal who died intestate on 01.01.2024 leaving behind his wife and daughter as his legal heirs.

As per the report the said application is filed within time and all the proposed legal heirs are major and Sui Juris.

Thus, the substitution application being CAN 28/2024 appears to be filed in accordance with the prescribed procedure of law.

Hence, the same is allowed. The department is directed to proceed in accordance with law.

(Nabanita Ray)
Registrar Administration (L&OM)