



S/L 2
04.05.2022
Court. No. 50
NKB

SA 110 of 1998
CAN 3786 of 2019
CAN 3820 of 2019
CAN 9005 of 2019
CAN 2557 of 2020
CAN 22 of 2021
CAN 5725 of 2012

Gour Mohan Mondal & Ors.
VS
Harendra Nath Halder

Mr. Goutam Das
Mr. Gazi Faruque Hossain
Ms. Priyanka Mondal

.....for the appellants.

Seen the office report dated 02.05.2022.

It appears from the office report that Ld. Advocate, Ms. Saswati Chatterjee filed a Vakalatnama on behalf of substituted respondent nos.6(i) to 6(ix) wherein the following discrepancies have been found :-

- a) Substituted respondent no.6(v) "Gour Sankar Halder" has put his signature as "Gouri Sankar Halder".
- b) Substituted respondent no.6(viii) "Sabita Naiya" has put her signature as "Namita Naiya".

Perused the Vakalatnama filed by Ld. Advocate, Ms. Saswati Chatterjee filed a Vakalatnama on behalf of substituted respondent nos.6(i) to 6(ix).

The Vakalatnama is accepted in respect of respondent nos.6(i), 6(ii), 6(iii), 6(iv), 6(vi), 6(vii) and 6(ix).

Ld. Advocate, Ms. Saswati Chatterjee is requested to file fresh Vakalatnama on behalf of respondent nos.6(v) and 6(viii) within a period of two weeks from this date.

Contd.....page 2



Since, Ld. Advocate, Ms. Saswati Chatterjee is absent this day, office is directed to issue intimation slip upon her in order to apprise her about this order.

CAN 3786/2019

The application being CAN 3786/2019 which has been filed on 04.04.2019 for recording death of respondent no.16(kha), Panchu Gopal Mondal [No.60(a) in the CAN] is taken up for hearing.

On plain reading of the aforesaid application, it appears that the respondent no.16(kha), Panchu Gopal Mondal [No.60(a) in the CAN] died intestate on 02.03.2019 and his heirs and legal representatives are already on record as respondent nos.16(ga) and 16(gha) [Nos.62 and 63 in the CAN].

Hence, the application being CAN 3786/2019 is allowed.

Office is directed to amend the cause title of the memo of appeal accordingly and to proceed in accordance with law.

CAN 3820/2019

The application for substitution bearing CAN No. 3820/2019 which has been filed on 04.04.2019 consequent to the demise of the respondent no.1(b) [No.1 in the CAN] is taken up for hearing.

On plain reading of the substitution application, it appears that the substitution application has been filed on 04.04.2019 consequent to the demise of the respondent no.1(b) [No.1 in the CAN], who died intestate on 07.02.2019 leaving behind his legal heirs and representatives who are all major and *sui juris*. The application has been filed well within time.

Hence, the substitution application being CAN 3820/2019 is allowed.

Let the proposed respondents be substituted in place of the deceased respondent no.1(b) [No.1 in the CAN].

Contd....page 3



Office is directed to amend the cause title of the memo of appeal accordingly and to proceed in accordance with law.

Appellants are directed to file requisites for causing service of notice of appeal upon the substituted respondents by speed post with A.D. within a period of two weeks from this date.

CAN 9005/2019

The application for substitution bearing CAN No. 9005/2019 which was filed on 05.09.2019 consequent to the demise of the respondent no.16(ga), Gopal Mondal [No.61 in the CAN] is taken up for hearing.

On plain reading of the substitution application, it appears that the substitution application has been filed on 05.09.2019 consequent to the demise of the respondent no.16(ga), Gopal Mondal [No.61 in the CAN], who died intestate on 26.08.2019 leaving behind his legal heirs and representatives who are all major and *sui juris*. The application has been filed well within time.

Hence, the substitution application being CAN 9005/2019 is allowed.

Let the proposed respondents be substituted in place of the deceased respondent no.16(ga), Gopal Mondal [No.61 in the CAN].

Office is directed to amend the cause title of the memo of appeal accordingly and to proceed in accordance with law.

Appellants are directed to file requisites for causing service of notice of appeal upon the substituted respondents by speed post with A.D. within a period of two weeks from this date.

CAN 2557/2020

The application for substitution bearing CAN No. 2557/2020 which was filed on 05.03.2020 consequent to the demise of the respondent no.16(uma), Sikha Rani Halder [No.63 in the CAN] is taken up for hearing.



On plain reading of the substitution application, it appears that the substitution application has been filed on 05.03.2020 consequent to the demise of the respondent no.16(uma), Sikha Rani Halder [No.63 in the CAN], who died intestate on 10.02.2020 leaving behind her legal heirs and representatives who are all major and *sui juris*. The application has been filed well within time.

Hence, the substitution application being CAN 2557/2020 is allowed.

Let the proposed respondents be substituted in place of the deceased respondent no.16(uma), Sikha Rani Halder [No.63 in the CAN].

Office is directed to amend the cause title of the memo of appeal accordingly and to proceed in accordance with law.

Appellants are directed to file requisites for causing service of notice of appeal upon the substituted respondents by speed post with A.D. within a period of two weeks from this date.

CAN 22/2021

The application for substitution bearing CAN No. 22/2021 which was filed on 21.01.2021 consequent to the demise of the respondent no.13(iii), Rabin Das [No.52 in the CAN] is taken up for hearing.

On plain reading of the substitution application, it appears that the substitution application has been filed on 21.01.2021 consequent to the demise of the respondent no.13(iii), Rabin Das [No.52 in the CAN], who died intestate on 05.12.2020 leaving behind his legal heirs and representatives who are all major and *sui juris*. The application has been filed well within time.

Hence, the substitution application being CAN 22/2021 is allowed.

Contd....page 5



Let the proposed respondents be substituted in place of the deceased respondent no.13(iii), Rabin Das [No.52 in the CAN].

Office is directed to amend the cause title of the memo of appeal accordingly and to proceed in accordance with law.

Appellants are directed to file requisites for causing service of notice of appeal upon the substituted respondents by speed post with A.D. within a period of two weeks from this date.

CAN 23/2021

The application for substitution bearing CAN No. 23/2021 is taken up for hearing.

On plain reading of the substitution application, it appears that the substitution application has been filed out of time.

Since, CAN No. 23/2021 has been filed beyond the stipulated period of time, this Lawazima Court has no jurisdiction to entertain the matter at this stage.

In view of the above, office is directed to place the matter before the Hon'ble Bench having determination over the matter.

CAN 5725/2012

The application for substitution bearing CAN No. 5725/2012 which was filed on 20.06.2012 consequent to the demise of the respondent no.17, Khagendra Nath Mondal is taken up for hearing.

On plain reading of the substitution application, it appears that the substitution application has been filed on 20.06.2012 consequent to the demise of the respondent no.17, Khagendra Nath Mondal, who died intestate on 18.04.2012 leaving behind his legal heirs and representatives who are all major and *sui juris*. The application has been filed well within time.

Contd....page 6



Hence, the substitution application being CAN 5725/2012 is allowed.

Let the proposed respondents be substituted in place of the deceased respondent no.17, Khagendra Nath Mondal.

Office is directed to amend the cause title of the memo of appeal accordingly and to proceed in accordance with law.

Appellants are directed to file requisites for causing service of notice of appeal upon the substituted respondents by speed post with A.D. within a period of two weeks from this date.

(Umesh Singh)
Registrar Administration (L & OM)