



2025:CHC-AS:719

S.A. 351 OF 1995
With
CAN 7 of 2017 (Old No. 366 of 2017)
(CAN not in the file)
With
CAN 8 of 2020 (Old No. 925 of 2020)
(CAN not in the file)
With
CAN 9 of 2024
With
CAN 10 of 2024

24.04.2024

Sl no. 167

Ct no. 652

P.M.

Dipak Kumar Sengupta & Ors.
- Vs -
Smt. Pusparani Banerjee & Ors.

Mr. Amal Krishna Saha,
Mr. Souvik Sarkar

.... for the Appellants

Ms. Sudipa Ray

... for proforma respondent.

Re : CAN 7 of 2017 (Old No. 366 2017)

This is an application for substitution wherein the petitioner has contended that during pendency of the appeal appellant No. 1 Dipak Kumar Sengupta died intestate on 26th October, 2016 leaving behind his only son Sumon Sengupta as his heirs and legal representative.

Learned counsel on behalf of the opposite party did not raise any objection.

The present petitioner Sumon Sengupta is major, sui juris and sound minded person. It is further submitted that the application has been filed within the statutory period.



Accordingly it is allowed.

Let the petitioner Sumon Sengupta be impleaded in place of deceased appellant No. 1 and note it in the Memorandum of appeal.

Department is directed to make necessary correction in the Memorandum of Appeal.

CAN 7 of 2017 (Old No. CAN 366 of 2017) is accordingly disposed of.

Re : CAN 8 of 2020 (Old No. 925 of 2020)

This is an application for substitution on the death of Asish Kumar Sengupta who died on 28th October, 2019 leaving behind his wife Smt. Kalpana Sengupta and one daughter Ridita Sengupta as his heirs and legal representatives.

Learned counsel on behalf of the opposite party did not raise any objection.

It is further submitted that the legal representatives are major and sui juris. It is also submitted that the application for substitution has been filed within the statutory period.

In such view of the matter let the legal heirs namely Smt. Kalpana Sengupta and Smt. Ridita Sengupta be substituted in place of deceased appellant No. 3 Asish Kumar Sengupta and note it in the memorandum of Appeal.



Department is directed to make necessary correction in the Memorandum of Appeal.

CAN 8 of 2020 (Old No. CAN 925 of 2020) is accordingly disposed of.

Re : CAN 10 of 2024

This is an application for substitution wherein the petitioner has contended that the appellant No. 4 Bibek Sengupta died intestate on 31st October, 2021, leaving behind legal heirs mentioned in paragraph 1 of the application.

It is further submitted that the appellant No. 7 Gopa Mitra died intestate on August, 12, 2010 leaving behind legal heirs mentioned in paragraph 2 of the application.

Learned counsel on behalf of the opposite party did not raise any objection.

The said heirs and legal representatives of deceased appellant No. 4 and 7 are major, sui juris having sound mind and bodies.

In such view of the matter the prayer for substitution is allowed. Let the legal heirs mentioned in paragraph No. 1 and 2 of the application be substituted in place of deceased appellant No. 4 Bibek Sengupta and appellant No. 7 Gopa Mitra.



Department is directed to make necessary correction in the Memorandum of Appeal.

CAN 10 of 2024 is accordingly disposed of.

Re : CAN 9 of 2024

This is an application seeking transposition of appellant No. 8 and the heirs of appellant No. 1, 2, 3, 4, 5 and 7 from the category of appellant to the category of proforma respondent.

Learned counsel on behalf of the opposite party did not raise any objection.

Prayer is allowed.

Let the appellant No. 8 and the legal representatives of appellant No. 1, 2, 3, 4, 5 and 7 be transposed from the category of appellants to the category of proforma respondent.

Department is directed to make necessary correction in the Memorandum of Appeal.

CAN 9 of 2024 is accordingly disposed of.

Re : SA 351 of 1995

It is submitted that the parties are going to settle the dispute amicably.

Let the matter appear under the heading "To be Mentioned" on 29th April, 2024.

(Ajoy Kumar Mukherjee, J.)