

SA- 179 of 2009

06.12.2023
Item no.02
Court No.50

Abdul Rashid Munshi & Anr.
Vs.
Anowara Bini & Ors.

Ld. Advocate Mr. S.N Arefin appears for the appellant.

Ld. Counsel for the appellant submits that an application being CAN -14/23 has been filed for incorporation of correct names and addresses of the legal heirs of respondent no. 3 and only, after hearing of the said application the service upon the substituted respondent can be done.

Perused the office report dated 01.12.2023.

It transpires from the office report that appellant was directed to file postal cost along with written up notice form with correct postal address for effecting service of notice of appeal upon respondent nos. 1, 2(a), 3(a), 3(b), 3(d) to 3(h), 4, 5 and 6 through speed post with A.D within two weeks from date.

It further transpires from the office report that an application for substitution being CAN 14/23 has been filed for substitution of deceased respondent no. 3 which was filed on 29.09.2023 and the said respondent no. 3 has already been substituted by her legal heirs vide Hon'ble Court's Order dated 05.05.2022. By virtue of this application, the applicant prays for further rectification of names and addresses of the deceased respondent no. 3.

It also transpires from the office report that the connected L.C.R have been examined and found complete but paper book has not yet been filed.

In view of the facts and circumstances, as stated hereinabove, it apparent that the deceased respondent no. 3 has already been substituted by her legal heirs by virtue of the Order of this Hon'ble Court dated 05.05.2022 which is further required to be rectified after hearing CAN 14/23.

Hence, the matter is required to be placed before the Hon'ble Bench. The department is directed to proceed in accordance with law.

(Nabanita Ray)
Registrar Administration (L&OM)