

15
19.9.2025
Ct. No. 1
SB

FA 240 of 2024
CAN 1 of 2024 (stay)
CAN 2 of 2025 (substitution)

Smt. Rita Singha & Ors.
Vs.
Smt. Arpita Roy & Anr.

Mrs. Shohini Chakraborty
Ms. Prajaaini Das for the appellants

Mr. Shireen Hossain ... for the respondent nos. 1 & 2

CAN 2 of 2025 (substitution)

1. This is an application for substitution of legal heirs of appellant nos. 3(a) and 3(b). It is stated that during pendency of the appeal, the original appellant no. 3 namely, Sri Tarun Kanti Singha died intestate on February 25, 2025 leaving behind the legal heirs proposed to be substituted who are named in paragraph 2 of the said petition. They are all major, *sui juris* and residing at the respective address given in the cause title in the petition.
2. In view of the aforesaid, the application is allowed.
3. Department is directed to carry out the necessary amendments substituting the proposed legal heirs being 3(a) and 3(b) as the appellants in place and stead of Sri Tarun Kanti Singha within one week from date and amended copy of the memorandum of appeal and stay petition be served upon the respondents.
4. The application for substitution is allowed.
5. The appeal is ready as regards as service.
6. Service of notice upon the respondent nos. 1 & 2 is waived by the learned advocate.

7. It is submitted on behalf of the appellants that the learned Judge is fixed the matter on 28.10.2025 for passing final decree. In the event any final decree is passed the appellants are likely to be infructuous. The final decree proceedings shall remain stayed for a period of eight weeks or until further order whichever is earlier.
8. Learned counsel appearing on behalf of the respondents has prayed for an adjournment.
9. Let the matter appear on **28.10.2025**.
10. Affidavit of service is taken on record.

[Soumen Sen, C.J. (Acting)]

(Biswaroop\ Chowdhury, J)