

10.04.2026  
Ct. No.13  
Sl. No.11  
skg

**F.M.A. 983 of 2004**  
**With**  
**IA CAN 1 of 2004 (Old CAN 6905 of 2004)**  
**CAN 2 of 2004 (Old CAN 6918 of 2004)**  
**CAN 4 of 2008 (Old CAN 5594 of 2008)**  
**CAN 6 of 2023**  
**CAN 7 of 2023**  
**CAN 8 of 2023**

**Smt. Devi Naskar and Ors.**  
**Vs.**  
**Bilasini Mondal**

Mr. Sankha Maity,  
Mr. Debabrata Mondal,  
....for the Appellants

1. Despite of service of notice the respondents are not represented.
2. Affidavit of service along with postal envelope are taken on record.

**Re: CAN 6 of 2023 & CAN 8 of 2023**

3. CAN 6 of 2023 is a premature application for substitution filed by Sri Sashan Mondal for substituting his legal heirs namely, Bochi Mondal (wife), Abhi Mondal (son), Tulo Mondal (son), Padma Mondal (daughter) and Ganga Sadhak (daughter).
4. Sashan Mondal had died on 7<sup>th</sup> January, 2023.
5. The said application was kept pending when the appellant realised that the original respondent Bilasini Mondal had died on 17<sup>th</sup> December, 2018. The appellants claimed that they omitted to apply for substitution of the legal heirs of the original

respondent Bilasini Mondal and did so on 6<sup>th</sup> October, 2023 after a long delay and filed CAN 8 of 2023 is bona fine. The death of Bilasini Mondal shall stand recorded.

6. The legal heirs of Bilasini Mondal and Sashan Mondal are:

(a) Chotka Mondal

(b) Anjali Patra

(c) Mohan Mondal

(d) Tapan Mondal

(e) Noto Mondal and

(f) Bibhu Mondal.

(g) Buchi Mondal,

(h) Abhi Mondal,

(i) Tulo Mondal,

(j) Padma Mondal and

(k) Ganga Sadhak

7. Let the aforesaid legal heirs of Late Bilasini Mondal and Late Sushan Mondal be impleaded as respondent nos. 1a to 1k.

8. The legal heirs of Devi Naskar are already on record.

9. Having regard to the averments made in CAN 6 of 2023 let the name of the original respondent Bilasini Mondal be replaced by the surviving legal

heirs. Registry shall carry out the necessary amendments.

10. Leave is granted to appellant to rectify the cause title in CAN 8 of 2023 with regard to the name of Sashan Mondal incorrectly described as Swapan Mondal. Registry shall carry out the necessary amendment.

11. CAN 6 of 2023 and CAN 8 of 2023 are allowed and disposed of.

**CAN 7 of 2023**

12. CAN 7 of 2023 is an application for recording the death of Devi Naskar wife of original deceased appellant Rati Kanta Naskar @ Laskar whose legal heirs are Chandra Kanta Naskar @ Laskar, Tusar Naskar and Siman Naskar. They are already on record. Let the name of Devi Naskar be struck off the record. Registry shall carry out the necessary amendment.

13. Let CAN 7 of 2023 is allowed and disposed of.

**CAN 1 of 2004 and CAN 4 of 2008**

14. CAN 1 of 2004 is an application for injunction in which the ad interim order of injunction was passed by the coordinate Bench which is since pending.

15. CAN 4 of 2008 is an application for appointment of receiver over the suit property which is since pending. This application has been filed by the

respondent. In view of the injunction has already passed against the matter under CAN 1 of 2004 this court does not deem it necessary for appointment of receiver over the suit property. The injunction is made absolute and all parties shall maintain status quo with regard to the suit property.

16. CAN 1 of 2004 and CAN 4 of 2008 stand allowed and disposed of.

**Re: F.M.A. 983 of 2004**

17. Registry shall call for the TCR in Misc. Case no. 165 of 1984 passed by the 1<sup>st</sup> Munsif at Barasat and Misc. Case no. 98 of 1990 passed by the Additional District Judge, 2<sup>nd</sup> Court at Barasat.

18. Let the paper book be prepared by the appellant within a period of four weeks from date.

19. Let service be effected afresh upon the respondents.

20. Liberty to mention.

**(Rajasekhar Mantha, J.)**

**(Rai Chattopadhyay, J.)**