

10.05.2024
Crt. No.21
Item No.8.
KB

**S.A.T. 237 of 2018
with
IA No. CAN 3 of 2020**

**Shib Shankar Mishra & Ors.
Versus
Harendra Nath Mondal & Ors.**

Mr. Soumen Kumar Dutta
Mr. Subham Dutta
... For the appellants.

Mr. Amit Baran Dash
Ms. Ankana Sarkar
... For the respondent no.1.

From the report of the department where there is no endorsement as regards to the person who has examined the said record of the trial court and the first appellate court, it transpires that the record of the trial court and the first appellate court have arrived and on examination the records have been found to be complete.

The learned counsel representing the appellants submits that he has not been intimated from the department as regards to the arrival of the records.

From the report dated 10th April, 2024, it transpires that in respect of the respondents no.2 and 3 sufficient postal cost has not been paid.

The learned counsel representing the appellants further submits that four weeks are required to prepare the requisite number of Paper Book.

The learned counsel representing the appellants is directed to look into the fact as regards to the service of notice upon the respondents no.2 and 3.

After completion of service the pending application being **CAN 4357 of 2018** will be taken up for hearing.

In Re: CAN 3 of 2020.

From the cause list, it transpires that CAN 3 of 2020 has not been disposed but from the order dated 25th March, 2021 passed by the Registrar (Administration) (L & OM), it transpires that the intending legal heirs of the appellant no.1, namely Shib Shankar Mishra are major and are of sound mind and the said application has been made within time as such the application praying for substitution of the legal heirs is allowed.

Let the names of the legal heirs of the appellant no.1 namely Shib Shankar Mishra be substituted in place of the said appellant no.1, since deceased.

As such, **CAN 3 of 2020** need not appear in the cause list.

The learned counsel representing the appellants submits that service upon the respondents no.2 and 3 can be effected within fortnight

As such let the matter appear on **11th June, 2024** under the heading **“To Be Mentioned”**.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

(Supratim Bhattacharya, J.)