

27.02.2023
Item No.04
Court No.32
Avijit Mitra

FA 168 of 2019
with
IA No. CAN 2 of 2022
with
IA No. CAN 3 of 2022

Smt. Sibani Sen
- Versus -
Sri Gouranga Pandit.

Mr. Siddheswar Chandra,
Mr. Sandip Dutta
....for the applicant

In re: CAN 3 of 2022

This application has been filed for substitution under Order XXII Rule 10 of the Code of Civil Procedure.

Mr. Chandra, learned advocate appearing for the applicant submits that Smt. Sibani Sen had preferred this appeal. Drawing our attention to copy of the deed of sale executed by Smt. Sen in favour of Smt. Sharma he further contends that during pendency of the appeal, Smt. Sibani Sen has sold out the suit property to Smt. Sujita Sharma and hence, Smt. Sujita Sharma has filed the application under Order XXII Rule 10 of the Code seeking substitution in place and stead of Smt. Sibani Sen.

Admittedly, the appeal is a continuation of the suit and by way of transfer, the interest of Smt. Sibani Sen has devolved upon Smt. Sujita Sharma.

In view thereof, the application is allowed.

Let Smt. Sujita Sharma be substituted in stead and place of Smt. Sibani Sen.

Office is directed to make necessary correction in the cause title of the memorandum of appeal.

The application being IA No. CAN 3 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty J.)