

ASR 16.
Ct. no. 24.
07.03.2025

SAT 271 of 2014

With

CAN 3 of 2020

With

CAN 4 of 2020

With

CAN 5 of 2024

With

CAN 6 of 2024

With

CAN 7 of 2024

**Aswini Kumar Pramanik (Decased) repth by
Subir Pramanik & Ors.**

Vs.

Ramkrishna Pramanik @ Das & Ors.

Mr. Sudhakar Biswas

.....For the petitioners

Mr. Amit Baran Dash

Ms. Ankana Sarkar

.....For the respondents

Re: CAN 3 of 2020 & CAN 4 of 2020

CAN 3 of 2020 is an application for substitution on account of death of respondent nos. 3 and 4 respectively.

CAN 4 of 2020 is an application for condonation of delay in preferring the application being CAN 3 of 2020.

Learned counsel appearing on behalf of the appellant submits that the respondent nos. 3 and 4 expired just before the Covid pandemic started and during the entire periods he could not take out the applications. Accordingly, the applications were filed in delay. So, he prayed for condonation of delay in filing the said application.

Learned counsel appearing on behalf of the respondent raised no objection.

It appears that during Covid pandemic in the year 2020-21 the entire judicial system and process has been stalled. Accordingly, I find justification for condoning delay.

Under the above observation, CAN 4 of 2020 is hereby considered and allowed.

The delay in preferring the application being CAN 3 of 2020 is hereby condoned and accepted.

Having heard the learned counsel for the parties the application for substitution being CAN 3 of 2020 is considered and allowed.

The department is directed to make necessary correction in the cause title of the memo of appeal in respect of deceased respondent nos. 3 and 4 in terms of paragraphs 3 and 5 of CAN application 3 of 2020.

Accordingly, CAN 3 of 2020 and CAN 4 of 2020 are considered and disposed of.

Re : CAN 5 of 2024

This is an application for substitution on account of death of appellant no. 3 namely Sunil Pramanik, who expired on 5th February, 2024. The instant application for substitution was preferred on 29th April, 2024. As the application for substitution was preferred in time the application for substitution being CAN 5 of 2024 is considered and allowed.

The department is directed to make out the necessary correction in the cause title of the memo of appeal in respect of deceased appellant no. 3 in terms of paragraph 4 of the CAN 5 of 2024.

Accordingly, CAN 5 of 2024 is considered and disposed of.

Re: CAN 6 of 2024

This is an application filed by the respondent for appropriate order.

Learned counsel for the respondent submits that several parties to the appeal has already been expired but the appellant have not taken any steps. So the appeal must have abated. The learned counsel for the appellant undertake to take appropriate steps.

Let the application being CAN 6 of 2024 be kept pending for further hearing.

Re: CAN 7 of 2024

This is an application for necessary order so that the notice of appeal may not be served upon the non-contesting defendant/respondent nos. 2 to 17 and for expunging their names.

Having heard learned counsel for the parties and considering the decrees passed by the learned court below it appears that the defendant/respondent nos. 2 to 17 never contested the suit by filing written statement and never appeared before the court to contest the matter.

Under the above observation, the appellant is not required to serve the notice of appeal upon the respondent nos. 2 to 17. The service of notice of appeal of defendant/respondent nos. 2 to 17 are dispensed with at the risk of the appellant.

Learned counsel for the respondent undertakes to prepare the informal paper book. Accordingly the respondent is directed to prepare the requisite number of informal paper book and file the same with the department by supply a copy of the same to the learned counsel for the appellant.

The respondent is further directed to put in the special messenger cost within a week with the department so that, the TCR may be reached to the court by the Special Messenger.

Department is directed to take appropriate steps for bringing recalling the trial court record through Spl. Massanger.

Let the matter appear in the list under the same heading on 28st March, 2025.

[Subhendu Samanta, J]