

26.06.2024
Item no.10
Court No.50

Sri Lakshminarayan Dey @
Lakshmi Narayan Dey
Vs.
Debabrata Jana & Ors.

Ld. Advocate Mr. Roghunath Das and Ld. Advocate Ms. Monalisa Das both are appearing for the appellant.

Ld. Counsel for the appellant submits that they have already deposited talabana cost but the process server's report has not yet been received.

Ld. Counsel further submits that substitution application has been filed after demise of respondent no. 13 and the same is within time and in proper form and let the same be accepted.

Perused the office report dated 20.06.2024.

It transpires from the office report that though the talabana notice were issued upon respondent nos. 1-19 vide memo dated 06.06.2024, the process server's report is not yet received.

It is further reported that substitution application being CAN 02/24 was filed on 21.03.2024 after the death of the respondent no. 13, Kanailal Jana.

It is also stated in the office report that the said respondent died intestate on 32.12.2023 leaving behind his legal heirs as stated in paragraph 8 and all of them are major and sui juris.

It is further stated that the said application is filed within time.

In view of the above, since, the process server's report was issued only on 06.06.2024, let the matter appear two weeks hence for further report.

From the office report as stated hereinabove, it is apparent from the office report that the substitution application after demise of respondent no. 13, Kanailal Jana was filed within time and the same is in proper form. Hence, let the same be allowed.

Accordingly, the department is directed to proceed in accordance with law.

(Nabanita Ray)
Registrar Administration (L&OM)

