



**02.12.2024
Item no.01+02
Court No. 50**

**Khairun Bibi
Vs
Subhas Chandra Roy & Ors.**

Ld. Advocate Mr. Diptyendu Kr. Pal appears for OP.

Ld. Counsel for the appellant in FA339/2014 submits that he has filed one application for substitution of respondent no. 17 namely Sujit Mondal who died on 30.05.2025 and the said substitution application be allowed.

Ld. Counsel for the respondent nos. 1, 2, 4 and 5 in FAT 620/2014 and FA 339/2014 submits that two applications for substitution have been filed after death of Sujit Mondal who is the appellant in FAT 620/2014 and respondent no. 17 in FA no. 339/2014.

Ld. Counsel further submits that the copy of substitution application no. 06/2024 has not been served upon him till date.

Perused the office report dated 27.11.2024.

It transpires from the office report that an application for substitution being CAN 02/2014 in connection with FAT 620/2014 was filed by the Ld. Advocate Mr. Yusuf Ali on the death of the sole appellant Sujit Mondal. But, it appears from the said application that the same is not in proper form as in the said application it is not stated that whether the wife of Sujit Mondal, namely Rina Mondal is major, Sui juris or in sound mind or not.

It is further reported that the said deceased Sujit Mondal is the respondent no. 17 in another appeal being FA no. 339 /2014 and an application for substitution being CAN 06/2024 has been filed in connection with that appeal by the appellant on 13.08.2024 for bringing the legal heirs of the said deceased on record by way of substitution.



It is also stated that the said deceased Sujit Mondal died on 30.05.2024 leaving behind his wife, one minor son and one minor daughter as his legal heirs and his wife, Rina Mondal is major, sui juris and of sound mind. Both the minor son and daughter will be represented by their mother Rina Mondal.

A photocopy of death certificate is also annexed with the said application. But, in the said application for substitution it is not stated that whether the said respondent no. 17, Sujit Mondal died testate or intestate.

In view of the submission made before this court, and after perusing the case record, it appears that two applications for substitution being CAN 02/2024 and CAN 06/2024 have been filed after demise of Sujit Mondal who died on 30.05.2024.

It is also reported that there are certain defects which are indicated hereinabove in both the applications for substitution which are required to be removed at once.

Hence, the Ld. Advocate for the appellants appearing in FAT no. 620/2014 and FA 339/2014 are hereby directed to take necessary steps for removal of defect as indicated hereinabove in respect of two applications for substitution of the deceased Sujit Mondal immediately within a period of two weeks from date.

(Nabanita Ray)
Registrar Administration (L&OM)