

**FA-339 of 2014
With
FAT-620 of 2014**



2023:CHC-AS:15798-DB

**06.01.2025
Item no.02+03
Court No. 50**

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

Ld. Advocate Mr. Samiran Giri appears for appellant and Ld. Advocate Mr. Sandip Das appears for respondent.

Ld. Counsel for the appellant in connection with FA 339/2014 submits that the substitution application filed by him being CAN 06/2024 after demise of respondent no. 17 has no defects as indicated in the office report. Ld. Counsel has placed paragraph 1. of the application for substitution and submits that it is stated that the said respondent no. 17 died intestate and as such the said application for substitution be allowed.

Ld. Counsel for the respondent submits that there are two different applications for substitution of respondent no. 17, CAN 06/2024 in connection with FA 339/2014 and another CAN 02/2024 in connection with FAT 620/2014.

Ld. Counsel further submits that though there is no such defect as indicated in the office report in respect of CAN 06/2024, but, there are some defects in the substitution application field in CAN 02/2024.

Perused the office report dated 03.01.2025.

In view of the submission made before this court it appears that by virtue of the order dated 02.12.2024 passed by this court, Ld. Advocate for the applicants in connection with CAN 02/2024 and CAN 06/2024 were directed to remove the defect as indicated in the office report.

After carefully perusing the application being CAN 06/2024 it appears that in paragraph -1, it is stated that the respondent no. 17 has died intestate.



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Hence, the said substitution application being CAN 06/2024 filed after demise of respondent no. 17 is in consonance with the statutory requirements and accordingly the same is allowed.

The concerned department is hereby directed to take necessary steps to substitute the legal heirs of respondent no. 17 in accordance with law.

It further appears that in spite of direction of this court for removal of defect in the application for substitution being CAN 02/2024, no steps has yet been taken on behalf of the appellant/applicant as yet.

Hence, the Ld. Advocate for the appellant/applicant is hereby directed to take immediate steps for removal of defect as regards defect as indicated hereinabove within two weeks from date positively, in default, the matter will be placed before the Hon'ble Bench for necessary direction.

(Nabanita Ray)
Registrar Administration (L&OM)