

4th September, 2024
(D/L No.14)
Ct. No.4
(SKB)

FMAT 491 of 2023
With
CAN 1 of 2024
CAN 2 of 2024

Nizamuddin Ostagar
Vs.
Alila Bibi and others

Mr. Partha Pratim Roy,
Ms. Poulami Chakraborty
...for the Appellant.

Md. Younush Mondal
... for the respondent nos.19 to 24, 26 & 29.

Re: CAN 2 of 2024

1. The application being CAN 2 of 2024 has been filed with a prayer for substitution of the legal heirs of the defendant/respondent no.38, who has passed away on 15.08.2024. The application has been filed a week thereafter on 23.08.2024 seeking to substitute the deceased respondent no.38 with his wife and mother, described in paragraph 2 of the application. It is a specific averment that the legal heirs are *sui juris*.
2. Considering the submissions made in the application, which is well within time, we, direct for substitution of the defendant/respondent no.38 as per details given in paragraph 2 of the application.

3. **Department** is directed to take appropriate steps as a consequence of this order.
4. The application being CAN 2 of 2024 is, thus, disposed of.
5. Let the appeal being FMAT 491 of 2023 and the application being CAN 1 of 2024 be made returnable on **18th September, 2024**.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)