



In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

21.04.2026
Item No.66
Ali
ct. no.9

SAT 520 of 2016
With
IA No.:CAN/3/2024, CAN/4/2024, CAN/5/2025

Sri Anjan Kumar Debnath
Vs.
Sri Dipen Kumar Debnath & Ors.

Mr. Prasanta Kumar Banerjee
.....for the appellant.

Mr. Ayan Banerjee
...for the respondent Nos. 1, 4 & 5.

In Re.: **CAN 5 of 2024**

1. Learned advocate for the appellant and learned advocate for the respondent Nos. 1, 4 and 5 are present.
2. Heard learned advocates. An application is filed for condonation of delay and setting aside abatement of the case and substitution of the legal heirs of respondent Nos. 2 and 3. It is the contention of the appellant that respondent Nos. 2 and 3 died during the pendency of the appeal which the appellant came to know on 8th April, 2025 from the letter of learned Advocate representing the respondent Nos. 1, 4 and 5.
3. Upon hearing the learned advocates and considering the cause shown this Court is of the view that this



application should be allowed. Thus, this delay in filing this application is condoned. The abatement, if any, is set aside and the application for substitution is also allowed. Let the names of respondent No. 2 Sri Nipen Kumar Debnath and Smt. Dipali Choudhuri be deleted from the cause title and the legal heirs as mentioned in the cause title as respondent No. 2a) Smt. Madhumita Debnath, respondent No. 2b) Modhusnata Debnath, respondent No. 3a) Sri Kumarjit Choudhury and respondent No. 3b) Sri Surjit Choudhury be substituted in their place and stead.

4. The amendment be carried out by the department within two weeks.
5. Liberty to mention.

In Re.CAN 3 of 2024

1. Learned advocate for the appellant and learned advocate for the respondent Nos. 1, 4 and 5 are present.
2. An application for condonation of delay is taken up for consideration.
3. Heard learned advocates. Perused the petition filed. Upon perusing the petition and upon hearing the learned advocates this Court is of the view that delay shown for preferring this appeal is sufficient. Thus, delay is condoned.



4. The application for condonation of delay stands disposed.

(Biswaroop Chowdhury, J.)