

05.03.2025

Item no.DL116
Court No. 16

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

Case No.

FAT 546 of 2025

with

CAN 1 of 2025

CAN 2 of 2026

In the matter of :

SMT. KAJAL DEBNATH

...Appellant

VS.

M/S. BEAS CONSTRUCTION & ORS.

...Respondents

For the Appellant :

Mr. Sounak Bhattacharya

Mr. Abhirup Haldar

Mr. Sounak Mandal

Mr. Anirban Saha Roy

...Advocates

1. In view of the innocuous nature of the prayers made in the applications, those are taken up for hearing *ex parte*.
2. CAN 2 of 2026 is an application for impleadment of the other heirs and legal representatives of the deceased plaintiff no.1, namely, late Nimai Chandra Debnath, apart from the appellant, who is the widow of the said deceased.
3. Learned counsel for the appellant points out that the appellant was already a party to the suit in the Trial Court as plaintiff no.2. On the demise of the original plaintiff no.1 after the passing of the impugned decree and before the filing of the present appeal, his estate has devolved on the

appellant / widow as well as his children, i.e., the proposed added respondent nos. 2(a) to 2(c).

4. In such view of the matter, CAN 2 of 2026 is allowed without costs, thereby directing the other heirs and legal representatives of the deceased plaintiff no. 1 in the suit, namely Nimai Chandra Debnath, than the appellant, as indicated in the cause title of CAN 2 of 2026, to be added as proforma respondents to the instant appeal. Consequentially, leave is granted to the appellant to prefer the appeal against the said proforma respondents as well.
5. CAN 1 of 2025 is also disposed of without costs, directing the appellant to put in postal costs, requisites and written up notice form for service of notice of the appeal on the defendant / respondent no.1 within a week from date.
6. Service of notice of the appeal on the proforma respondents is dispensed with since no relief is claimed against the said respondents in the appeal.
7. The Trial Court Records shall be brought by Special Messenger at the cost of the appellant, also to be deposited within a week from date.
8. The appellant shall prepare and file the requisite number of paper books within eight weeks from

the date of service of notice of arrival of the Trial Court Records on the learned advocate for the appellant.

9. Liberty is given to the parties to mention the appeal for enlistment as and when the same is ready for hearing.
10. There shall be no order as to costs.
11. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties expeditiously upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Md. Shabbar Rashidi, J.)