

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA NO. GA/8/2025

In

CS/172/2009

NESAR AHMED

Vs

SAMIM ARA BEGUM AND & OTHERS

BEFORE :

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date: 17th June, 2025.

Appearance:

Mr. Tarique Quasimuddin, Adv.

Mrs. Zainab Tahur, Adv.

... for the plaintiff

The Court: None appears for the defendant no.3.

Learned Advocate for the plaintiff/petitioner is present. The application for substitution being GA 8 of 2025 is taken up for consideration. Affidavit of service shows that the heirs of the deceased/defendant could not be served as the door was locked. Thus, the application is taken up for hearing in the absence of the heirs of the deceased/defendant.

It is contended in the petition that the plaintiff/petitioner came to know about the death of defendant nos. 1 and 2 in January, 2025. Upon obtaining the information about the death of the defendant nos. 1 and 2, the petitioner/plaintiff took steps to file this application.

Upon hearing the learned Advocates and perusing the petition and materials on record, this Court is of the view that sufficient cause is shown to

condone the delay in filing this application. Thus, the delay should be condoned and this application for substitution should be allowed.

Let there be an order in terms of prayers (a), (b), (c) and (d) of the “Master’s Summons” dated 6th May, 2025.

GA/8/2025 stands disposed of accordingly.

(BISWAROOP CHOWDHURY, J.)

JM