

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR

SAT/1/2023
IA No.CAN/1/2023, CAN/2/2023

Shri Binod Chandra Das and others

Vs.

Smt Bishnu Priya Das and others

Mr. Gopala Binnu Kumar ... for the appellants

Mr. Rakesh Pal Gobin ... for the respondents

August 23, 2023
[SR]
Item No.10.

Re:CAN/1/2023

The application seeking leave to challenge the judgment and decree passed by the Additional District Judge has been filed at the instance of the heirs of the deceased respondent no.4 in the appeal.

It has been submitted by the learned advocate representing the applicants that the decree has been passed against a dead person and accordingly, the present application has been filed seeking leave to challenge the judgment and decree.

We have heard learned advocate representing the applicants and the learned advocate representing all the respondents.

As the rights of the applicants may be infringed by not affording an opportunity of hearing to them in the appeal,

accordingly, the application seeking leave to challenge the judgment and decree is allowed.

Application being CAN/1/2023 stands disposed.

Let the matter be placed before the next available Circuit for framing the questions of law, if any, on which the appeal may be admitted.

(Amrita Sinha, J.)

(Ananya Bandyopadhyay, J.)