

CIVIL APPELLATE JURISDICTION

I.A.NOS.5-10 IN CIVIL APPEAL NOS.8081-8082/2009

M/s Julien Educational Trust

...Appellant(s)

Versus

Sourendra Kumar Roy & Ors.

...Respondent(s)

O R D E R

The Appeals were disposed of on 2nd December, 2009.

At that point of time, there were three Interlocutory Applications pending, being I.A.Nos.5-6, I.A.Nos.7-8 and I.A.Nos.9-10. The first was for substitution to bring on record the legal heirs of the deceased respondent No.2, the second was an application for condonation of the delay in filing the application for substitution and the third was for setting aside abatement.

When the matter was disposed of, orders on these applications ought to have been passed, but, due to inadvertence, the same was not done. But, however, notice of the applications had been duly served on the legal heirs of the deceased respondent No.2 but they had chosen not to appear or were not represented when the appeals were heard. Accordingly, non-disposal of the said applications is a mere technicality and the same can be corrected even at this stage.

...2/-

-2-

Accordingly, we allow the application for setting aside abatement and the application for condonation of delay in filing the substitution application and also the application to bring on record the heirs of the deceased respondent No.2.

The Interlocutory Applications are allowed and disposed of accordingly.

.....J.
(ALTAMAS KABIR)

.....J.
(Dr.B.S. CHAUHAN)

.....J.
(H.L. GOKHALE)

New Delhi,
May 12, 2010.
ITEM NO.3

COURT NO.2

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.Nos.5-10 in CIVIL APPEAL NO. 8081-8082 OF 2009

M/S JULIEN EDUCATIONAL TRUST

Appellant (s)

VERSUS

SOURENDRA KUMAR ROY & ORS.

Respondent(s)

(For substitution and c/delay in filing substitution and setting
aside the abatement and with office report)

Date: 12/05/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) Mr. Pradip Kr. Ghosh, Adv.
Mr. S.K. Mitra, Adv.
Mr. S.K. Ghosh, Adv.
Mr. G.S. Chatterjee, Adv.

For Respondent(s) Dr. Kailash Chand, Adv. (NP)
Mr. C. Mukund, Adv.
Mr. A.K. Jain, Adv.
Mr. Pankaj Jain, Adv.
Mr. Bijoy Kumar Jain, Adv.

UPON hearing counsel the Court made the following
O R D E R

The Interlocutory Applications are allowed in
terms of the signed order.

(N. Annapurna)
AR-cum-PS

(Juginder Kaur)
Court Master

(Signed order is placed on the file)