

09.03.2021

Sl. No.5

Court No.9
BM.

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SA/234/2013

Murari Goswami & Ors.

Vs.

Sankar Das & Ors.

With

IA No.:CAN/3/2016 (Old IA: CAN/10237/2016)

With

IA No.: CAN/6/2021

(Via Video Conference)

Mr. Tapas Kumar Dey

Mr. Ashis Kumar Dutta

... for the appellants

Affidavit of service filed be kept on record.

It reflects that service having been effected on the respondents.

Re: IA No.: CAN/6/2021

In this application the appellants sought for expunging the name of appellant no.1. It is submitted that all the formalities regarding preparation of appeal for its final hearing has been made pursuant to the order of the Hon'ble Division Bench while admitting the appeal on formulation of substantial question of law. As such, the paper book have been made ready and have been filed after due service upon the respondents.

Now, it is submitted that during the pendency of the appeal the appellant/plaintiff no.1, Murari Goswami died intestate as a bachelor on 09.05.2020. Other appellants/plaintiffs who are brothers of the plaintiff no.1, the second group legal heirs of the appellants/plaintiffs are already party to the suit therefore, the name of the appellant/plaintiff no.1 be expunged from the cause title of the memorandum of appeal. Accordingly, the name of the appellant no.1 be deleted from the memorandum of appeal and necessary amendment be carried out by the department since, the appeal is ready for hearing in its finality.

Let the appeal appear for its final hearing in the monthly list of April, 2010.

Thus, IA No.: CAN/6/2021 is disposed of.

The gist of this order be intimated to the learned advocate for the respondents in the meantime.

(Shivakant Prasad, J.)