

19.03.2024

Srimanta

Sl. No. 43

Ct. No. 655

***IA No.:CAN/4/2016 (Old No.:CAN/6920/2016),
CAN/6/2024
in
CO/1510/2005***

***Shyam Sundar Kundu (since deceased)
represented by his legal heir,
namely,
Smt. Mridula Kundu & Ors.***

-Vs.-

***Arati Pal (since deceased) represented by her
legal heirs, namely, Raghunath Pal &
Ors.***

Mr. Milan Nandi,
Mr. Mrinal Kanti Kundu,
Mr. Mayukh Nandi

...for the petitioners.

Re : CAN/6/2024

Petitioners are represented.

There is no representation on behalf of the opposite parties.

It is submitted at the behest of the petitioners that during pendency of this revisional application opposite party no. 1, Smt. Arati Pal was expired and an application with a prayer for substitution of her heirs/legal representatives were taken out being CAN/4/2016 (Old No.:CAN/6920/2016) and it was already disposed of by this Court dated 1st September, 2016.

The present application is filed with a prayer for deleting the name of the petitioner no. 1(a), Smt. Mridula Kundu who died during pendency of this revisional application. It is submitted by the learned Counsel that on the death of petitioner no. 1, Shyam

Sundar Kundu his heirs/legal representatives were brought on record including this present petitioner no. 1(a), Smt. Mridula Kundu and on the death of the said Mridula Kundu her other heirs/legal representatives were already on record. It is further submitted that this application is preferred after causing 1029 days of delay.

It appears that during pendency of this application petitioner no. 1(a), Smt. Mridula Kundu has been expired and her heirs/legal representatives are already on record and as such there is no impediment in allowing this present application filed by the petitioners with a prayer for deletion of the name of petitioner no. 1(a), Smt. Mridula Kundu. As such, the application filed by the petitioners being CAN/6/2024 is hereby allowed and disposed of.

Office is directed to make necessary correction in this regard.

Re : CO/1510/2005

Petitioners are represented.

As there is no representation on behalf of the opposite parties, petitioners are directed to serve notice upon those parties with intimation that the matter will appear in the list under the heading 'Hearing' on 29th April, 2024.

(Prasenjit Biswas, J.)