

7 11.03.2021  
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**SA 854 of 1982**

*Ct.9.*

Mr. Samiran Giri

..For the appellant/applicant.

Let affidavit of service filed in Court be kept with the record which shows that the service has been effected upon the substituted respondents but the registered envelop returned with endorsement 'door locked'.

Re: CAN 569 of 2019

This is an application for substitution upon the death of sole respondent namely Birendranath Dhar who died intestate on 15.12.2017 after setting aside abatement of the appeal upon condonation of delay.

It is submitted that during the pendency of the appeal, the sole respondent died on 15.12.2017 leaving behind his heirs as mentioned in paragraph 2 of the application.

All the heirs of the deceased respondent are major, sui juris and of sound mind.

Accordingly, upon hearing the learned advocate and in consideration of the application, let the names of the heirs of the deceased respondent of the application be substituted in place and instead as per the names appearing in paragraph 2 of the petition.

Hence the application for substitution is allowed.

Note in the cause title of Memo of Appeal.

Department is directed to carry out necessary amendment and also issue notice of appeal upon the substituted respondents within two weeks from the date hereof by registered post with acknowledgement due with direction upon the appellant to file affidavit service.

Thus CAN 569 of 2019 is disposed of.

***(Shivakant Prasad, J. )***

