

AD-10
Ct No.16
06.01.2025
(SSS)

FAT 100 of 2019
With
CAN 2 of 2022

Khetranath Mondal & Ors.

Vs.

Subal Mondal and Ors.

Mr. Uttiya Ray
...For the Appellants.

Mr. Mahaboob Ahmed
..For the Respondents.

1. CAN 2 of 2022 is a composite application for substitution of the heirs and legal representatives of the deceased appellant No. 1 and appellant No. 4, by setting aside abatement on condonation of delay.
2. Upon a perusal of the application, we find that sufficient cause has been shown for the delay in preferring the application.
3. Accordingly, CAN 2 of 2022 is allowed, thereby condoning the delay in filing the application and setting aside the abatement of the appeal on the demise of appellant Nos. 1 and 4 and directing substitution of the heirs and legal representatives of the said two appellants in the appeal.
4. There will be no order as to costs.

5. Necessary consequential amendments to the cause title of the memorandum of appeal shall be carried out by the learned Advocate for the surviving appellants during the course of the day.

6. The appellants shall put in special messenger costs for bringing the trial court records and the trial court records shall be brought by such special messenger. Such costs, along with other requisites, if required, shall be deposited by the appellants within a week from date.

7. In view of appearance of the respondents through their learned Advocate, service of notice of appeal on the respondents is dispensed with.

8. The appellants shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate-on-record for the appellants. Liberty to the parties to mention the appeal for enlistment for the purpose of hearing as and when the same is made ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Subhendu Samanta, J.)