

21.06.2023
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Sl. No. 87
Ct. No.652

CO 1116 of 2018
With
CAN 02 of 2023

Smt. Rita Moitra
Vs.
Smt. Shakti Rani Moitra

Mr. Arnab Roy
Mrs. Sayani Ahmed

.....for the applicant

In Re: CAN 02 of 2023

Affidavit-of-service filed by the petitioner is taken on record. Opposite party is not represented. This is an application seeking condonation of delay in filing application for restoration of C.O 1116 of 2018, along with prayer for restoration of said application which was dismissed for default on 9th June, 2022.

The grounds shown in the application appears to be sufficient accordingly the delay is condoned. In view of stand taken by the petitioner, I am convinced to restore CO 1116 of 2018 in its original file with original number.

Accordingly CAN 2 of 2023 is accordingly disposed of.

In Re: CAN 01 of 2023

This is an application for substitution wherein the petitioner contended that during pendency of this application, original defendant being respondent No. 1 Smt. Shakti Rani Moitra died intestate on October 8,

2020, leaving behind legal heirs mentioned in paragraph 3 of the application. The said legal heirs are major and does not suffer from any legal disability. The petition is within time. The prayer for substitution is allowed.

Department is directed to make necessary correction in the cause title. Petitioner is directed to serve notice along with copy of order upon the substituted respondents.

In Re: CO 1116 of 2018

Petitioner is directed to serve a notice upon the opposite party along with a copy of the order informing restoration of the application. On the basis of the prayer made on behalf of the petitioner, the interim order granted earlier is reimposed for a further period of eight weeks or until further order, whichever is earlier.

Let the matter appear under the heading motion in the monthly list of July 2023.

(Ajoy Kumar Mukherjee, J.)