

25.07.2022
(D/L-24)
Ct.-18
(Susanta)

C.O. 1262 of 2013
With
I.A. No. CAN 3 of 2021

Sri Caesar Sen
-Vs-
Sri Uday Mukhia

Mr. Debanik Banerjee,
Mr. Aniruddha Ganguly,
... For the Petitioner.

Mr. Debanjan Mukherjee,
.... For the Opposite Party.

Re: I.A. No. CAN 3 of 2021

This is an application for substitution of the heirs and legal representatives of the deceased sole defendant/opposite party, who died on March 23, 2020 leaving behind him surviving his heirs and legal representatives, whose particulars have been set out under paragraph 3 of the application.

Mr. Debanjan Mukherjee, learned advocate appearing on behalf of the proposed substituted opposite parties upon instruction submits that the opposite party died intestate, which is lacking in the application.

In view of such submission of Mr. Mukherjee, the defect in the application is treated to be removed.

The application otherwise in form and is filed within time, as such, allowed.

The department is directed to carry out the necessary amendment in the Cause Title of the revisional application.

The application being I.A. No. CAN 3 of 2021 is thus disposed of without any order as to costs.

Re: **C.O. 1262 of 2013**

Mr. Debanik Banerjee, learned advocate for the petitioner, submits that his client is not willing to proceed with the revisional application and he files a written instruction of his client to the said effect which is taken on record.

C.O. 1262 of 2013 is dismissed as not pressed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)