

05.09.2022
SL No.32
Court No.8
(gc)

SA 82 of 2022
CAN 1 of 2017 (Old No: CAN 4056 of 2017)

Sree Krishna Iron & Steel Enterprises
Vs.
Guru Das & Ors.

Mr. D. Mukherjee,
Ms. Susmita Chatterjee,
Mr. K. Bhattacharya,
...for the Appellant.

Re: CAN 1 of 2017
(Old No: CAN 4056 of 2017)

The proposed substituted appellants are the applicants. The appellant is the sole proprietorship concerned of one Pradip Kumar Ghosh. During the pendency of the appeal, he died intestate on 1st February, 2017 leaving behind the proposed substituted appellants as legal heirs and representatives.

This is an application for substitution. The application was filed within the period of limitation.

Under such circumstances, this application is allowed.

The department is directed to delete the name of Pradip Kumar Ghosh and substitute him by the proposed appellants in the memorandum of appeal within one week from date.

The application being CAN 1 of 2017 (Old No: CAN 4056 of 2017) stands disposed of.

The learned Counsel for the present appellants who have been substituted today, has submitted that the substituted appellants are not interested to proceed with the appeal as the matter has been amicably settled out of Court.

The original letter of instruction addressed to Ms. Susmita Chatterjee dated 28th June, 2022 produced in Court today is taken on record.

In view thereof, the second appeal and the connected applications stand dismissed for non-prosecution.

LCR if arrived to be returned along with a copy of this order.

(Uday Kumar, J.)

(Soumen Sen, J.)