

27.06.2022
ASR 1.

MAT 1084 of 2017
With
CAN 1 of 2017 (Old CAN 6890 of 2017)
With
CAN 2 of 2021

Narayan Chandra Sen & Anr.
Versus
The Presiding Officer, Debt Recovery Tribunal –II
and Ors.

Mr. Kumar Jyoti Tewari
Mr. Rajlakshmi Ghatak
Mr. Aniruddha Tewari

.....for the appellants

Mr. Joy Saha
Mr. Aryak Dutta
Mr. Dipankar Das

.....for the respondent no. 5

Mr. Depak Kumar Singh
Ms. Alisha Kar
Mr. Ayush Jain

....for the Respondent no. 9

Re: CAN 2 of 2021

This is an application for recording the death of the appellant no. 1 and for substitution of his legal heirs and representatives in his place as parties.

After hearing learned counsel for the parties, we allow this application by condoning the delay in filing the same, setting aside the abatement and substituting his sons Basudeb Sen and Biswadeb Sen in his place.

His widow Dipti Sen is already on record as the appellant no. 2.

The department is directed to carry out the amendment within one week of communication of this order.

The application (CAN 2 of 2021) is allowed.

Re: MAT 1084 of 2017

Learned counsel for the appellants on instruction submits that his clients are no longer interested in proceeding with this appeal.

Accordingly, this appeal is dismissed as not pressed.

The appellants will remove their goods from the warehouse hired by the bank within two weeks from date.

The bank will return the above admissible amount that was due to the appellant no. 1 after deduction of all expenses to the appellant no. 2, as the nominee of the other appellants within 4 weeks thereafter.

(I. P. Mukerji,J.)

(Subhendu Samanta,J)

