

Item-1  
sg

24-01-2022

Ct. 8

FAT 430 of 2014  
CAN 1 of 2014 (old CAN 8520 of 2014)  
CAN 2 of 2014 (old CAN 8521 of 2014)  
CAN 3 of 2021

Namita Hans  
Versus  
Vijay Hans & Ors.

(Through Video Conference)

Mr. Sk. Ainul, Adv.

...for the appellant

Mr. Sudeep Pal Choudhuri, Adv.

...for the respondents

In Re: CAN 1 of 2014 (old CAN 8520 of 2014)

There is a delay of 23 days in preferring the appeal.

Sufficient cause being shown for not being able to prefer the appeal within the statutory period of limitation. The delay of 23 days in preferring the appeal is condoned.

CAN 1 of 2014 (old CAN 8520 of 2014) is allowed.

In Re: CAN 3 of 2021

This is an application for substitution of the legal heirs of the opposite party no.1 who died intestate on 16<sup>th</sup> February, 2020 during pendency of the appeal. The particulars of the legal heirs are described in paragraph 6 of the petition. All the legal heirs are major and sue juries and right to sue survives on them. The prayer for condonation of delay is not opposed by the respondents.

In view thereof, this application for substitution as prayed for is allowed after setting aside the abatement and by condoning the delay.

CAN 3 of 2021 is accordingly, disposed of.

Department is directed to carry out this amendment within two

weeks from date.

Let this order be communicated to the department for carrying out the substitution and for necessary amendment in the cause papers.

In Re: FAT 430 of 2014

The learned Counsel appearing on behalf of the appellant, on instruction, submits that during the pendency of the appeal, the parties have amicably settled their disputes and, accordingly, the appellant is not interested to proceed with the appeal.

The appellant is personally present in Court and has acknowledged the submission made on her behalf. Moreover, she has produced a letter dated 6<sup>th</sup> December, 2021 through her Advocate whereby she had instructed the learned Advocate to withdraw the appeal in view of the settlement arrived at between the parties.

The original letter dated 6<sup>th</sup> December, 2021 signed by the appellant is kept with the record.

In view of the aforesaid, FAT 430 of 2014 is dismissed for non-prosecution. Since the appeal is dismissed, the connected application, being CAN 2 of 2014 (old CAN 8521 of 2014) is also stand dismissed.

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

**(Ajoy Kumar Mukherjee, J.)**

**(Soumen Sen, J.)**