

30.01.2023
Court
No.237
Item no.1
B.M.J.R

**F.M.A 23 of 2009
With
CAN 3 of 2023**

**Bela Talukdar & Anr.
Vs.
United India Insurance Com. Ltd. & Ors.**

Ms. Sima Ghosh
..... for the appellants
Mr. D.B Dutta,
Mr. Biswarup Chatterjee
..... for the Insurance Company

In re: CAN 3 of 2023

It is submitted on behalf of the appellant no.2 that in the original F.M.A 23 of 2009 one substitution petition was filed after demise of appellant no.2 Smt. Santi Talukder with a prayer for substitution of the legal heirs of Smt. Santi Talukdar and the petition was supported by Death Certificate.

Learned advocate appearing on behalf of the appellants submits that F.M.A 23 of 2009 has already been disposed of on 21.01.2023 without substitution of the legal heirs in place of Smt. Santi Talukdar. That is why the instant application being CAN 3 of 2023 has been filed for substitution of the legal heirs.

Considering the entire facts and circumstances of the case, I find that the payer for substitution, so filed, within time of limitation and that too supported by Death

Certificate.

In the aforesaid view of the matter, the prayer for substitution stands allowed. The name of legal heirs Debesh Ch. Talukdar and Baby Talukder be substituted in place of appellant no.2, Smt. Santi Talumdar.

Department is directed to incorporate necessary correction in the memo of appeal.

The awarded amount passed in FMA 23 of 2009 be disbursed to legal heirs of Smt. Santi Talumdar, since deceased, in equal share.

Accordingly, the application being CAN 3 of 2023 is disposed of.

(Bibhas Ranjan De, J.)