

Item-1. 06-02-2023

sg Ct. 8

FA 5 of 2005
CAN 2 of 2012 (old CAN 9746 of 2012)
CAN 3 of 2015 (old CAN 6191 of 2015)

Manoranjan Das & Ors.
Versus
Pannalal Parekh

Mr. Kushal Chatterjee, Adv.
Mr. Debrup Choudhury, Adv.
...for the appellants

Mr. Vinay Kumar Purohit, Adv.
Mr. Pradeep Kumar Upadhyay, Adv.
...for the respondent

In Re: CAN 3 of 2015 (old CAN 6191 of 2015)

Mr. Kushal Chatterjee, learned Counsel appearing on behalf of the applicants/appellants has submitted that during the pendency of the suit, the mother of the appellant nos. 2 and 3 died and the substitution was allowed on 8th October, 1999. Subsequently, during the pendency of this appeal, the appellant no.1 died.

The appellant no.1 is the father of the appellant nos. 2 and 3. The relationship between the parties can be ascertained from the order dated 8th October, 1999. However, there should have been a specific averment in the petition for expunging the name of the appellant no.1 to give clarity.

The application for expunging the name of the appellant no.1 is, thus, allowed.

The department is directed to record the death of Manoranjan Das and delete his name from the cause title of the memorandum of appeal and the connected papers.

CAN 3 of 2015 (old CAN 6191 of 2015) is, accordingly, disposed of.

In Re: FA 5 of 2005 and CAN 2 of 2012 (old CAN 9746 of 2012)

The learned Counsel for the appellants submits that in view of the introduction of Section 2(g) of the West Bengal Premises Tenancy Act, 1997, the respondent is no more a tenant and by reason thereof, the plaintiff shall file a fresh suit for eviction of the respondent and in view thereof, the appellants are seeking withdrawal of the appeal.

Be that as it may, since the appellants are not interested to proceed with the appeal, the appeal stands dismissed as withdrawn.

We make it clear that we have not gone into the merits of the appeal.

In view of the aforesaid order, CAN 2 of 2012 (old CAN 9746 of 2012) also stands dismissed.

LCR may be sent down to the court below.

(Uday Kumar, J.)

(Soumen Sen, J.)