

1st April, 2024
(D/L No.7&8)
(SKB)

FA 340 of 2009

Smt. Binapani Kayal and others
Versus
Smt. Kanak Prava Das and another
+
CAN 2 of 2014 (Old CAN 6318 of 2014)
+
CAN 3 of 2019 (Old CAN 10350 of 2019)
+
CAN 4 of 2023

With

FA 341 of 2009

Smt. Binapani Kayal and others
Versus
Lakshmi Narayan Sau and another
+
CAN 2 of 2014 (Old CAN 6319 of 2014)
+
CAN 3 of 2019 (Old CAN 10459 of 2019)
+
CAN 4 of 2021
+
CAN 5 of 2023

Mr. Amitesh Chakraborty
... for the appellants/applicants
(in both cases).

Re: CAN 4 of 2023 in FA 340 of 2009

1. Having heard learned counsel for the appellants/applicants and being satisfied about the cause for his non-appearance on 21.08.2023, the order passed on 21.08.2023 is recalled. The appeal is restored to file along with interim order/orders and pending applications, if any.

2. The application being CAN 4 of 2023 is, thus, disposed of.

Re: CAN 5 of 2023 in FA 341 of 2009

3. Having heard learned counsel for the appellants/applicants and being satisfied about the cause for his non-appearance on 21.08.2023, the order passed on 21.08.2023 is recalled. The appeal is restored to file along with interim order/orders and pending applications, if any.
4. The application being CAN 5 of 2023 is, thus, disposed of.

**Re: CAN 3 of 2019(Old CAN 10459 of 2019)
in FA 341 of 2009**

5. Heard.
6. By filing the application, the appellants/applicants have prayed for substitution of the legal heirs of the appellant no.1, Smt. Puranjani Barik, who died on 04.07.2019 leaving behind her legal heirs, particulars of whom have been given in paragraph 3 of the instant application.
7. By filing the instant application, the appellants/applicants have also prayed for condonation of delay in filing the application for substitution as well as have prayed for setting aside the abatement.
8. Heard.

9. Perused the application. Prayers are allowed.
10. The application being CAN 3 of 2019 (Old CAN 10459 of 2019) is, thus, allowed and disposed of.
11. Department is directed to delete the name of the appellant no.1 from the cause title of the memorandum of appeal and in its place the legal heirs of the deceased appellant no.1, particulars of whom have been mentioned in paragraph 3 of the instant application, be incorporated.
12. Department is further directed to submit a report as to whether any interim applications are pending for disposal in this appeal within a fortnight from date.
13. List this matter after a fortnight.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)