

24.08.2023
Item no.16
Court No.50

Muktar Hossain & Ors.
-Versus-
Janab Erajul Khan & Ors.

Mr Debasis Sur, Ld. Advocate appears for the petitioners.

Perused the office report dated 23.08.2023 and the order dated 10.08.2023 passed by the Lawazima Court.

In the said order, the department was directed to revisit the office report dated 08.08.2023 as regards submission of the Ld. Advocate for the petitioners that the supplementary affidavit to cure the defects in CAN 2 of 2022 was filed on 18.07.2023 i.e within the time of 21st July, 2023 as specified by the Hon'ble Court in the solemn order dated 13.07.2023.

The department in its report dated 23.08.2023 has submitted that the supplementary affidavit has ultimately been received from the filing Section on 10.08.2023. However the office report dated 23.08.2023 reveals that the said supplementary affidavit was affirmed on 17.07.2023 but its date of filing is 09.08.2023.

Apart from that ultimately, the defect in CAN 2 of 2022 regarding non-mentioning of the point as to whether the petitioner no.1 died testate or intestate has not been mentioned in the said supplementary affidavit also.

Thus the defects in the application for substitution being CAN 2 of 2022 could not be removed by the said supplementary affidavit.

Therefore, C.O-1579/2021 shall stands dismissed in terms of the solemn order dated 13.07.2023 passed by the Hon'ble Court.

(Nabanita Ray)
Registrar Administration (L&OM)