

**03.08.2023
Item no.21
Court No.50**

**Smt Aloka Rani Bera & Anr.
Vs
Sri Rabin Jana**

None appears.

Perused the office report dated 02.08.2023
, the Lay Note dated 10.07.2023 of the Assistant
Registrar-IV and the solemn order dated 13.07.2023
Passed by the Hon'ble Court.

In the said solemn order, the Hon'ble Court was
pleased to direct interalia,

“Registry of this Court points out that the defects
in CAN 1 of 2022 have not been cured by filing
supplementary affidavit.

Let such supplementary affidavit be filed
mandatorily and positively by 14th July, 2023.

In default of filing such supplementary affidavit,
C.O. No. 2067 of 2021 shall stand dismissed.”

The said supplementary affidavit was required to
be filed to cure the defect in the said application
as to whether the petitioner no.2 died testate or
intestate

It appears from the said office report that a
supplementary affidavit as directed in the said
solemn order to cure the defect in the application
for substitution being CAN- 1 of 2022 has been filed
by the Ld. Advocate for the petitioners under filing
no.3/2023 on 17.07.2023 i.e beyond the date 14th
July, 2023 as specified by the Hon'ble Court.

Perused the said supplementary affidavit. It reveals
that the same has been filed by Sri Tapan Kumar
Bera, son of the deceased petitioner no.2. The said
supplementary affidavit is also defective as averment
was made in the paragraph no.3 of the said
supplementary affidavit that “my father Purajit Bera
alias Purajit Kumar Bera died intested on
06.09.2022 leaving behind me as his sole heir”.
Hence it is apparent that the applicant/proposed
legal heir of the deceased petitioner no.2 has not
stated in the said supplementary affidavit as to
whether the petitioner no.2 died testate or intestate.

It is evident that the said supplementary affidavit
has been filed beyond the date 14th July, 2023 as
specified by the Hon'ble Court.

In view of the non-compliance of the said solemn
order of the Hon'ble Court, instant C.O.No.2067 of
2021 stands dismissed.

(Nabanita Ray)
Registrar Administration (L&OM)