

11.10.2023  
Court No. 13  
Item No. 31  
AP

**FA 207 of 2013**  
**With**  
**IA NO: CAN 1 of 2022**  
**With**  
**IA NO: CAN 2 of 2022**

**Amal Krishna Chowdhury**  
**Vs.**  
**Ashis Chowdhury and Ors.**

Mr. Tapas Kumar Dey  
Mr. Sourav Chatterjee

... For the Applicant in CAN 2 of 2022.

**Re.: CAN 1 of 2022**

1. Despite service of notice, respondents are not represented.
2. Leave is granted to the appellant to file affidavit of service in course of the day.
3. The application has been filed for substitution of “Sm. Kumkum Chowdhury” in place and instead of the sole appellant “Amal Krishna Chowdhury”, who died on 3<sup>rd</sup> October, 2022.
4. Having regard to the averments made in the application being CAN 1 of 2022, let “Sm. Kumkum Chowdhury” be substituted in place and instead of the deceased “Amal Krishna Chowdhury”.
5. Accordingly, CAN 1 of 2022 is allowed.

**Re.: CAN 2 of 2022**

6. The application being CAN 2 of 2022 is treated as on day’s list.

7. This application is filed for leave to repair the bed rooms, kitchen, toilet and elevated water tank on the suit property.

8. Since the respondents are not represented despite service, it is presumed that they have no objection to the same.

9. The substituted appellant is hereby granted leave to effect repairs of the bed rooms, kitchen, toilet and the elevated water tank on the suit premises.

10. The aforesaid leave is subject to any permission that may be required from the Kolkata Municipal Corporation.

11. The Officer-in-Charge of the concerned Police Station shall extend necessary assistance to the substituted appellant to carry out the aforesaid order.

12. Accordingly, CAN 2 of 2022 is disposed of.

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13. List the appeal in the Monthly List of December, 2023.

**(Rajasekhar Mantha, J.)**

**(Supratim Bhattacharya, J.)**