

16.05.2024
S/L. No. 15 to 20
Court No. 3
Sourav/
Suvayan

FA 14 of 1999

**Ramendra Chowdhury
Vs.
State of West Bengal**

*Mr. Debashis Kundu, Sr. Adv.
Mr. Saumyen Datta
Mr. Rajendra Nath Barik*
...for the appellant.

With

**FA 15 of 1999
With
CAN 7 of 2024
With
CAN 8 of 2024**

**Shri Rabindra Nath Bhattacharjee
Vs.
State of West Bengal**

*Mr. Debashis Kundu, Sr. Adv.
Mr. Saumyen Datta
Mr. Rajendra Nath Barik*
...for the appellant.

With

**FA 51 of 2001
With
CAN 4 of 2024
With
CAN 5 of 2024**

**State of West Bengal & Ors.
Vs.
Shri Rabindra Nath Bhattacharjee & Anr.**

*Mr. Debashis Kundu, Sr. Adv.
Mr. Saumyen Datta
Mr. Rajendra Nath Barik*
...for the respondent.

With

**FA 53 of 2001
With
CAN 3 of 2024
With**

CAN 4 of 2024**State of West Bengal****Vs.****Shri Rabindra Nath Bhattacharya***Mr. Debashis Kundu, Sr. Adv.**Mr. Saumyen Datta**Mr. Rajendra Nath Barik**...for the respondent.***With****FA 54 of 2001****The State of West Bengal****Vs.****Shri Ramendra Nath Chowdhury***Mr. Debashis Kundu, Sr. Adv.**Mr. Saumyen Datta**Mr. Rajendra Nath Barik**...for the respondent.***With****FAT 1917 of 1999****State of West Bengal****Vs.****Shri Ramendra Nath Chowdhury***Mr. Debashis Kundu, Sr. Adv.**Mr. Saumyen Datta**Mr. Rajendra Nath Barik**...for the respondent.***In Re: CAN 7 of 2024 and CAN 8 of 2024
in FA 15 of 1999**

1. By filing the interlocutory application being CAN 7 of 2024, the appellant/petitioner has prayed for deletion of the name of one of the appellants, Smt. Tandra Bhattacharya who died on 07.07.2023 leaving behind Sri. Soumya Bhattacharya as her legal representative who is already on record.

2. Such being the position, department is hereby directed to delete the name of deceased Smt. Tandra Bhattacharya from the cause title of the memo of appeal.
3. Accordingly, the interim application being **CAN 7 of 2024** is disposed of.
4. By filing the interim application being CAN 8 of 2024, a prayer has been made seeking condonation of delay in filing the interim application being CAN 7 of 2024.
5. Since, CAN 7 of 2024 has been disposed of by directing the department to delete the name of one of the appellants, Smt. Tandra Bhattacharya, in our considered view, the interim application being CAN 8 of 2024 has become practically infructuous.
6. Accordingly, the interim application being **CAN 8 of 2024** is disposed of.

**In Re: CAN 4 of 2024 and CAN 5 of 2024
in FA 51 of 2001**

1. By filing the interim application being CAN 4 of 2024, legal representative of the deceased/respondent no. 1, Shri Rabindra Nath Bhattcharjee has come forward to substitute his name in place of the deceased/respondent no. 1 since, during the pendency of the appeal being FA 51 of 2001, the said Shri Rabindra Nath Bhattcharjee died on January 27, 2009 leaving

behind Smt. Tandra Bhattacharya (since deceased) as his widow and Sri Soumya Bhattacharya as his son.

2. It has been stated further that in the meantime the said Tandra Bhattacharya also died on 07.07.2023. Accordingly, it has been prayed that the name of the deceased/respondent no. 1 be deleted and in his place the name of the present respondent, namely, Sri Soumya Bhattacharya particulars of whom has been given in paragraph 12 of the interim application being CAN 4 of 2024 be substituted.
3. Accordingly, the interim application being **CAN 4 of 2024** is disposed of.
4. By filing another interlocutory application being CAN 5 of 2024, a prayer has been made for condonation of delay of 5598 days in filing the substitution application after setting aside the abatement.
5. Heard learned counsel for the respondent.
6. Perused both the applications and the connected appeal being FA 15 of 1999 where substitutions have taken place in time.
7. The delay in filing the substitution application is hereby condoned and accordingly, the interim application being **CAN 5 of 2024** is disposed of.
8. In view of the aforementioned order, department is directed to delete the name of the respondent

no. 1, Shri Rabindra Nath Bhattacharjee from the cause title of the memo of appeal and in its place, the name and particulars of Sri Soumya Bhattacharya as mentioned in paragraph 12 of the interim application being CAN 4 of 2024 be incorporated.

**In Re: CAN 3 of 2024 and CAN 4 of 2024
in FA 53 of 2001**

9. By filing the interim application being CAN 3 of 2024, legal representative of the sole respondent, Shri Rabindra Nath Bhattacharjee has come forward to substitute his name in place of the sole respondent since, during the pendency of the appeal being FA 53 of 2001, the said Shri Rabindra Nath Bhattacharjee died on January 27, 2009 leaving behind Smt. Tandra Bhattacharya (since deceased) as his widow and Sri Soumya Bhattacharya as his son.
10. It has been stated further that in the meantime the said Tandra Bhattacharya also died on 07.07.2023. Accordingly, it has been prayed that the name of the sole respondent be deleted and in his place the name of the present respondent, namely, Sri Soumya Bhattacharya particulars of whom has been given in paragraph 12 of the interim application being CAN 3 of 2024 be substituted.

11. Accordingly, the interim application being **CAN 3 of 2024** is disposed of.
12. By filing another interlocutory application being CAN 4 of 2024, a prayer has been made for condonation of delay of 5598 days in filing the substitution application after setting aside the abatement.
13. Heard learned counsel for the respondent.
14. Perused both the applications and the connected appeal being FA 15 of 1999 where substitutions have been taken place in time.
15. The delay in filing the substitution application is hereby condoned and accordingly, the interim application being **CAN 4 of 2024** is disposed of.
16. In view of the aforementioned order, department is directed to delete the name of the sole respondent, Shri Rabindra Nath Bhattacharjee from the cause title of the memo of appeal and in its place, the name and particulars of Sri Soumya Bhattacharya as mentioned in paragraph 12 of the interim application being CAN 3 of 2024 be incorporated.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)