

10.04.2024

Sl. No.08.

Ct. No. 655

s.g.

**IA.No.: CAN 3/2024, CAN 4/2024
in
CO/1406/2012**

**Bimal Kumar Nopay (since deceased)
represented by Santosh Kr. Poddar**

Vs.

Akhil Chandra Moitra & Anr.

Mr. Meghajit Mukherjee,
Ms. Vidisha Gupta
....for the petitioner.

Mr. Aniruddha Mitra,
Mr. Uttiyo Mallick,
Ms. Trini Joardar
....for the respondent.

1. Both the parties are represented.
2. It is submitted at the behest of the petitioner that the sole defendant in Title Suit No. 132A of 1994 was died and the heirs/legal representatives of the deceased were not substituted in place of the deceased within the stipulated period of time as enshrined in the Act. As a result the suit was abated against him.
3. It is further submitted by the learned Counsel that step is required to be taken for setting aside abatement of the suit on the death of the sole defendant.
3. Let the matter go out of list with liberty to mention.

(Prasenjit Biswas, J.)