

31.07.2024
Item No.28
Ct. No.26
CHC

M.A.T. 927 of 2024
IA NO: CAN/1/2024
CAN/2/2024

M/S Eastern Coalfields Ltd.
Vs.
Smt. Kabutri Devi & ors.

Mr. Manik Das, Advocate
...for the appellant

Mr. S. S. Arefin, Advocate
...for the respondent no.1

In Re: CAN/2/2024

1. CAN/2/2024 is an application for substitution.
2. Learned advocate appearing for the writ petitioner/private respondent submits that, the appeal was filed against a dead person and therefore, the application for substitution is not maintainable.
3. It appears from the records that, at the point of time when the appeal was filed, one of the private respondents was dead. The other respondents are on record and the appeal can be proceeded against those respondents. So far as the deceased respondent is concerned, appellant became aware of the death in course of the hearing of this matter before the Appeal Court. Appellant thereafter took steps for the purpose of substituting the dead respondent.
4. The application for substitution is within time.
5. In such circumstances, death of the respondent no.1 be recorded. Respondent no.1 be substituted by the persons named in paragraph-6 of CAN/2/2024.

6. Learned advocate-on-record for the appellant is granted leave to amend the Memorandum of Appeal and the cause papers accordingly.

7. Since the learned advocate for the other respondents appears for the substituted persons, notice of appeal against all respondents are waived.

8. On the prayer of learned advocate for the appellant, MAT 927 of 2024 along with connected applications are dismissed as withdrawn.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)