

23.07.2025
Item No.42
BR

RVW 368 of 2024
With
IA No. CAN 1 of 2025
Arup Kumar Bhunia and Ors.
-vs-
Nandalal Bhunia & Ors.
In
SA 296 of 2012
Jagannath Bhunia
-vs-
Nandalal Bhunia & Ors

Mr. R. Mahato
... for the appellant

Mr. Arnab Mukherjee,
Ms. Shreyasi Manna
... for the respondent no. 1

Re: CAN 1 of 2025

CAN 1 of 2025 has been preferred in respect of a review application being RVW 368 of 2024 praying for condonation of delay of about 45 days in filing the review application.

Considering the grounds as made out and in the interest of justice, the application for condonation of delay is allowed on the delay being condoned.

CAN 1 of 2025 stands allowed.

Re : RVW 368 of 2024

The review application is moved praying for review of an order passed by this Court on 1st October, 2024 wherein this Court rejected an application for substitution on the ground that the same was not in accordance with law being barred by limitation, as the said application was not accompanied with an application for condonation of delay.

Learned counsel appearing for the appellant/revisionist has brought the notice of this Court to CAN 6 of 2020 which is the application for substitution. At paragraph 20 it is noted that the original suit and all the subsequent proceeding relate to a suit for partition.

Considering the fact that in a suit for partition, the other co-sharers and legal heirs are already on record, the question of limitation and thus abetment does not arise. As such the order dated 1.10.2024 is required to be reviewed, there being an error apparent on the face of the record and is reviewed as follows :

Re: CAN 6 of 2020

CAN 6 of 2020 which has been preferred for substitution of respondent nos. 7,14 and 33 and the sole appellant

is hereby allowed. Let the persons named in the application be substituted in place of the deceased respondents and the sole appellant. Necessary note in the cause title of the second appeal be made and the appellant shall cause service upon all the substituted parties in the present case and file affidavit of service before the Bench having determination.

CAN 6 of 2020 is thus disposed of.

As the application for substitution is connected to a **suit for partition**, order dated 1.10.2024 is accordingly reviewed.

Order dated 1st October, 2024 in respect of CAN 6 of 2020 is hereby recalled.

Department to note accordingly.

Let the matter be placed before the Bench having determination in the Combined Monthly List of August, 2025.

(Shampa Dutt (Paul), J.)