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Ct. 19
29.07.2024

*In The High Court At Calcutta
Civil Revisional Jurisdiction
(Appellate Side)*

C.O. No. 2402 of 2024

**Sri Pasupati Barman
Vs.
Jitendra Barman & Ors.**

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhirup Halder ... For the petitioner.

Mr. Sk. Rejaul Alam ... For the opposite party no. 1.

Affidavit-of-service filed on behalf of the petitioner
be kept with the record.

Mr. Sk. Rejaul Alam, learned advocate appears on
behalf of the opposite party no. 1.

The 4th Court of learned Additional District Judge at
Tamluk, District – Purba Medinipur by the order
impugned dated June 05, 2024 has dismissed an
application filed by the petitioner in Miscellaneous
Appeal No. 58 of 2023 for substitution of the heirs and
legal representatives of the deceased sole respondent
with costs of Rs. 1,000/- .

Mr. Bhattacharya, learned advocate for the
petitioner submits that the application was filed
within time, therefore there was no plausible reason to
dismiss the said application.

It appears that the order of dismissal is not
supported by any reason therefore, it is set aside on
the said ground alone.

The appeal Court below shall decide the said application afresh in accordance with law.

C.O. 2402 of 2024 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)