

19.09.2024
(M/L 119)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 2680 of 2024

Wipro Limited

-Vs-

Murarilal Choudhury being dead represented
by Smt. Dipti Agarwal & Ors.

Mr. Manab Kumar Gupta,

Ms. Moumita Gupta,

Ms. A Roy,

... For the Petitioner.

Mr. Tanmay Mukherjee,

Mr. Aditya Mondal,

Ms. A. Poddar,

.... For the Opposite Parties.

The defendant No. 1 in a suit for declaration of title is the petitioner of the instant revisional application under Article 227 of the Constitution of India.

The said suit being *Title Suit No. 627 of 1998* is pending before the learned Judge, 12th Bench City Civil Court, at Calcutta.

The learned Trial Judge by the order impugned being Order No. 107 dated April 29, 2024 has allowed an application under Order XXII Rule 3 of the Code of Civil Procedure, thereby has substituted the heirs and legal representatives of the deceased plaintiff.

The plaintiff had died during the pendency of an appeal arising out of the said suit being *FA 298 of 2008*; his heirs and legal representatives were substituted in the said appeal.

It is well settled in the position of law that the suit when was brought to the appellate Court, the substitution made at the said stage enures for the subsequent stages of the suit, therefore, challenge to the order impugned is not sustainable.

C.O. 2680 of 2024 is thus dismissed with the above terms without any order as to costs.

The disposal of the suit however be expedited.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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.)