

Sl.5
08.07.2025
Court No.6
BP

C.O. 1671 of 2025
With
CAN 1 of 2025

Sumit Kumar Sinha & Anr.
-versus-
Champa Sinha & Ors.

Mr. Sourav Sen, Sr. Advocate
Mr. Arun Kumar Das
..for the petitioners

Mr. Gautam Chakraborty
Mr. Pulak Roy
..for the opposite parties

Though this matter is appearing under the heading “Extension of Interim Order”, with the consent of the learned advocates for the respective parties the main civil revisional application is taken up for final hearing.

Mr. Sen, learned senior advocate appearing for the petitioners submits that the execution case is proceeding without substituting the legal heirs and representatives of the deceased defendant nos. 16 and 18.

The learned advocate appearing for the opposite parties submits that immediately after the said fact came to the notice of the opposite parties, steps have been taken for bringing on record the heirs of the deceased defendant nos. 16 and 18. He further submits that an application has already been filed and since this Court has passed an order of stay of all further proceedings in Title Execution Case No. 06 of 2023 the said application could not be taken up for hearing.

It is well settled that execution case may not stand abated due to non-substitution of the legal heirs of a party but however the heirs of such deceased party are to be brought on record. Since steps have been taken for bringing on record the legal heirs and representatives of the deceased defendant nos. 16 and 18, this Court is of the considered view that nothing survives to be decided in the civil revisional application.

Accordingly C.O. 1671 of 2025 stands disposed of by requesting the learned Civil Judge (Senior Division), Bongaon, North 24 Parganas to take up the hearing of the application filed by the opposite parties herein praying for substitution of the legal heirs and representatives of the deceased defendant nos. 16 and 18 and to proceed thereafter in accordance with law.

The application being CAN 1 of 2025 is also disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)