

125
13.09.2024
Ct. No.22
D.Hira

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 3884 of 2016
With
CAN 4 of 2024

Mahaduda Begum
Vs.
Moniruddin

Mr. Dwijadas Chakraborty,
Mr. Sk. Sijauddin.
... For the petitioner

In re:- CAN 4 of 2024

1. Learned counsel appearing on behalf of the petitioner has drawn my attention to this Court to the prayer of the application and submitted that the sole petitioner of this revisional application died on November 4, 2022. The revisional application and the substitution application could not be filed within the period of limitation as earlier learned counsel appearing on behalf of the petitioner did not take any steps for a considerable period.
2. It is submitted that after receiving the brief, learned counsel appearing on behalf of the petitioner instantaneously took steps for substitution by filing the instant application before this Court.
3. Learned counsel appearing on behalf of the petitioner has referred to all explanations of delay of 548 days in filing the instant application mentioned in the petition itself.

4. Heard the learned counsel appearing on behalf of the petitioner as well as the explanations delineated in the application, the prayer for setting aside the delay and substitution stands allowed.
5. The legal heirs of sole petitioner that is, four sons and one daughter be incorporated in the cause title of this revisional application.
6. The department is directed to incorporate the names as legal heirs accordingly.
7. Thus, CAN 4 of 2024 stands disposed of.

In re:- CO 3884 of 2016

1. The petitioner is directed to serve copy of the amended revisional application upon the single opposite parties through Speed Post with Acknowledgement Due and file affidavit-of-service on the returnable date.
2. Let the matter appear in the list on 11th November, 2024.

(Bibhas Ranjan De, J.)