

A- 232
19.06.2025
Court No.6
BP

C.O. 3676 of 2024
With
CAN 1 of 2025

Sushil Kumar Agarwal
-versus-
Shyamal Kumar Roy

Mr. Gaurab Kumar Das
... for the petitioner

Re: CAN 1 of 2025

This is an application for substitution of heirs and legal representatives of the opposite party. It has been stated in the said application that the opposite party died intestate on January 6, 2025 leaving behind his surviving his wife, Ratna Roy and son, Babu Roy. The particulars of the legal heirs of the deceased opposite party have been stated in paragraph 5 of the said application. The application has been filed on January 28, 2025 i.e. within the time limit stipulated for filing of such application.

Considering the averments made in the application for substitution this Court finds that the right to proceed survives against the heirs and legal representatives of the opposite party. In view thereof, the application for substitution being CAN 1 of 2025 stands allowed. The heirs and legal representatives of the opposite party as specifically stated in paragraph 5 of the said application

be substituted in place and stead of the opposite party herein.

The department is directed to amend the cause title of the civil revisional application.

Re: C.O. 3676 of 2024

This application under Article 227 of the Constitution of India is at the instance of the decree holder praying for a direction upon the learned Civil Judge (Senior Division), 2nd Court at Barasat to dispose of Title Execution Case No.13 of 2021 expeditiously.

The learned advocate appearing for the petitioner submits that no miscellaneous case in connection with the title execution case is pending.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite party. However, the learned advocate appearing for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties or upon the learned advocates representing them before the learned executing court.

The learned Civil Judge (Senior Division), 2nd Court at Barasat is requested to make an endeavour to see that the Title Execution Case No. 13 of 2021 is disposed of as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

Accordingly, C.O. 3676 of 2024 stands 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.)