

AD-13
Ct No.16
14.05.2025
(SSS)

FAT No. 618 of 2019
With
CAN 9 of 2025

The State of West Bengal
Vs.
Ranajit Kumar Mukherjee

Mr. Rabindra Narayan Dutta,
Mr. Hare Krishna Halder
...For the State/Appellant.

Mr. Debayan Bera,
Mr. Sakti Prasad Chakrabarti
.....For the Respondent/Petitioner.

1. The present application, being CAN 9 of 2025, has been filed by the respondent in FAT 618 of 2019, which was disposed of along with several other connected appeals by a judgment dated May 1, 2025. Learned Counsel appearing in support of the application submits that due to bona fide inadvertence, it was not pointed out to the Court that CAN 7 of 2024, filed in connection with FAT 618 of 2019, was an application for substitution of the heirs and legal representatives of the deceased respondent, Ranajit Kumar Mukherjee.

2. Upon hearing learned Counsel, we find that although it was recorded in the judgment dated May 1, 2025 that all connected applications, including CAN 7 of 2024, were disposed of, no formal order allowing the said application and directing the

substitution of the heirs of the deceased respondent was passed.

3. We accordingly construe the part of the judgment dated May 1, 2025, whereby CAN 7 of 2024 was disposed of, to be an order allowing the said application and directing substitution of the heirs and legal representatives of the deceased respondent, Ranajit Kumar Mukherjee upon setting aside abatement on condonation of delay.

4. Accordingly, since the said application has already been disposed of, the same is deemed to stand allowed as on that date that is, on May 1, 2025. The office shall carry out the consequential corrections to the memorandum of appeal, incorporating the names of the heirs and legal representatives of Late Ranajit Kumar Mukherjee in place and stead of the said deceased in FAT 618 of 2019 in terms of the cause title of CAN 7 of 2024 filed in respect of the said application. The necessary alterations shall also be reflected in the decree drawn up in respect of FAT 618 of 2019 pursuant to the judgment dated May 1, 2025. No order as to costs.

5. CAN 9 of 2025 is disposed of accordingly in the light of the above observations.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)