

29.07.2025
Item No.84
Ct. No.446
PG

C.O. 3503 of 2013
With
I.A. No. CAN 1 of 2017 (Old No. CAN 9758 of 2017)
+
CAN 4 of 2024
+
CAN 6 of 2025
+
CAN 7 of 2025

Sk. Saidul Haque & Ors.
Versus
Lutfunessa Bibi & Ors.

Ms. Shila Sarkar.....For the Petitioners

Mr. S.S. Arefin.....For the opposite party no. 1

1. Affidavit of service filed by the petitioners is taken on record.
2. Affidavit of service filed by the petitioners shows that some of the substituted legal heirs have not been served. This revisional application has been filed for setting aside the order of abatement.
3. At this stage, all the parties and substituted legal heirs must be served with the notice of this application. Therefore, the learned advocate for the petitioners is directed to serve once again upon some of the opposite parties, who have not yet been served as the track report shows those notices were returned to the petitioners as unserved.
4. Such exercise is to be taken by the petitioners within a period of seven days

5. It is submitted by the learned advocate for the petitioners that in the order dated 17th July, 2025 passed in I.A. No. CAN 9 of 2025, there are some mistakes in the ordering part and needs to be corrected.
6. Learned advocate for the opposite party no. 1 is also present and has raised no objection.
7. On careful perusal of the said application being I.A. No. CAN 9 of 2025, it reveals that the prayer was to substitute the petitioner nos. 4(g) (a) to 4(g)(d) in place and stead of deceased petitioner no. 4(g). and they are already on record. Accordingly, there is no bar in substituting the above mentioned petitioners in place of the deceased petitioner no. 4(g).
8. It was recorded in the order dated 7th July, 2025 that the petitioners were exempted from filing any substitution application so far as the petitioner no. 4(g) is concerned which is apparently a mistake on record and should be replaced by incorporating the above fact.
9. Accordingly, the order as passed on 7th July, 2025 in I.A. No. CAN 9 of 2025 is corrected and the petitioner nos. 4(g) (a) to 4(g)(d), as mentioned in paragraph 3 of the application being I.A. No. CAN 9 of 2025 i.e. Sk. Lutfar Rahaman, husband of the deceased Sk. Hira, son of the deceased, Champa Begum, daughter of the deceased and Sukruna Begam daughter of the

deceased be substituted in place of petitioner no. 4(g), Tanjila Bibi.

10. The department is directed to record the substitution.

11. Let the matter appear on 18th August, 2025 or any date thereafter, as and when this Court will sit.

(CHAITALI CHATTERJEE (DAS), J.)