

S/L 1-2
26.03.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

RVW 238 of 2019
CAN 1 of 2019 (Old CAN 10263 of 2019)
CAN 2 of 2019 (Old CAN 10264 of 2019)
CAN 3 of 2025

Susmita Basu
Vs.
Tapas Nath Tewary

With
FMA 602 of 2019
CAN 2 of 2023
CAN 3 of 2024

Tapash Nath Tewary
Vs.
Sushmita Basu

Mr. Ranjan Bachawat, Sr. Adv.
Mr. Partha Pratim Roy
Ms. Sreya Basu Mallick
Mr. Aritra Basu
Mr. Ankit Dey

... for the Review Applicant.

Mr. Raj Ratna Sen
Mr. Navneet Misra

... for the Applicant
[in CAN 2 of 2023].

Affidavit-of-service filed on behalf of the applicants of
CAN 3 of 2024 and CAN 3 of 2025 is taken on record.

None appears on behalf of the appellant/opposite party.

In Re: CAN 3 of 2025

Mr. Raj Ratna Sen, learned advocate, vide order dated
June 20, 2019 passed in *FMA 602 of 2019*, was appointed as the
guardian of the mentally ill person, *Manas Kumar Bajpaie*.

The respondent in the said appeal, Susmita Basu, had
sought for review of the said order but she has died during the
pendency of the said application for review, on September 19,
2024. The review application has abated due to the failure of the
heirs and legal representatives of the said deceased applicant to
substitute themselves within time. This is an application for their
substitution in the RVW 238 of 2019 after setting aside abatement
on condonation of delay.

Perused the application; the delay has been satisfactorily
explained; as such, condoned; consequently, the abatement of the

review application is set aside and the applicants of the present application be substituted in place and instead of the deceased review applicant.

CAN 3 of 2025 is disposed of without any order as to costs.

Department is directed to carry out necessary amendment in the Memorandum of Review.

In Re: CAN 3 of 2024

In view of the order passed in CAN 3 of 2025, the instant application for recording of death of the review applicant has become infructuous and is accordingly disposed of without any order as to costs.

In Re: CAN 2 of 2023

Mr. Raj Ratna Sen, by the present application is praying his discharge as the said mentally ill person of whom he was appointed as the guardian, has expired on June 17, 2022.

Mr. Sen has already filed Final Report and Accounts with a Supplementary Report; no exception to the said reports is filed by the parties. The said report/supplementary report are accepted.

In view of the death of the said mentally ill person, the appointment of Mr. Sen has become redundant; accordingly, he is discharged.

CAN 2 of 2023 is thus disposed of without any order as to costs.

In Re: RVW 238 of 2019

In view of death of the mentally ill person, the review application has also become infructuous; RVW 238 of 2019 is dismissed as such, there shall be no order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Suvra Ghosh, J.)

(Biswajit Basu, J.)