

CO. 2542 of 2018

26.02.26
Sl-01
Ct.551
(Samar)

**Smt. Bhabani Sreemani and others represented by
legal heirs and representatives of deceased Hemanta
Kumar Sreemani @ Hemanta Srimani
v.
Sri Barun Kumar Chatterjee & Ors.**

Mr. Ayan Banerjee,
Mr. Suman Banerjee,

....for the Petitioner.

Mr. Debjit Mukherjee,
Mr. Kaustav Bhattacharya,
Ms. Priyanka Jana,

.... for the OP.

CAN No. 01 of 2020

1. CAN 1 of 2020 has been filed praying for substitution of the heirs and legal representatives of Hemanta Kumar Sreemani (since deceased) i.e. the petitioner who had taken filed CO 2542 of 2018.
2. Mr. Banerjee, learned advocate appearing for the applicants submits that the application for substitution has been filed within 90 days of the death of the sole petitioner and as such the same should be allowed. The copy of the certificate of death of the said Hemanta Kumar Sreemani annexed to CAN 1 of 2020 reveals that he died on July 16, 2020 and this application has been filed on October 8, 2020.
3. Mr. Mukherjee, learned advocate appearing for the opposite party no. 1 in his usual fairness does not raise any objection to the prayer of Mr. Banerjee. In such view of the matter, let the names of the heirs and legal representatives of the petitioner as indicated in paragraph 13 of CAN 1 of 2020 be substituted in place and stead of the petitioner i.e. Hemanta Kumar Sreemani (since deceased). The department shall take appropriate steps in such

regard.

4. CAN 1 of 2020 stands disposed of.

CO. 2542 of 2018

1. Mr. Banerjee, learned advocate appearing for the petitioner's submits that the petitioners are not interested in pursuing the matter any further and they seek to withdraw the present revisional application. The instructions forwarded to Mr. Banerjee, by his client, handed up to court is taken on record.
2. As prayed for CO. 2542 of 2018 is dismissed as withdrawn.
3. Mr. Banerjee, learned advocate appearing for the petitioners further submits that liberty may be granted to the petitioner to withdraw the sums deposited by the petitioner before the learned trial court in terms of the order dated January 24, 2012. Since the petitioner is withdrawing the present revisional application, such liberty may not be granted by this court however, the petitioners shall be free to make appropriate application before the learned Trial Court seeking withdrawal of the sums as aforesaid and the learned Trial Court shall be free to deal with and dispose of the same in accordance with law as expeditiously as possible.

(Om Narayan Rai, J.)