

123. 24.06.2026.
Court No.08.
(Pritam)

**FA 51 of 2021
with
CAN 13 of 2025
with
CAN 14 of 2026.**

**Sneha Chowhan & Ors.
-Vs.-
Dinesh Kumar Chowhan.**

Mr. Kushal Chatterjee,
Mr. Sibashis Chowdhury,

....for the appellants.

Mr. Gautam Das.

.....for the respondent.

In Re :- CAN 13 of 2025.

1. The sole respondent in this appeal passed away on June 3, 2025. His legal heirs have made this application for recording his death and for being brought on record in his place and stead.
2. The names and particulars of the legal heirs of the deceased respondent would appear from paragraph 2 of the substitution application.
3. We see no reason to disallow this application.
4. This application is allowed.
5. Let the name of deceased respondent be deleted from the cause title of the appeal papers and the names of his legal heirs, as mentioned in the substitution

application, be brought on record as substituted respondents.

6. The department shall carry out necessary amendment to the cause title of the appeal papers within a week from date.
7. CAN 13 of 2025 is disposed of.

In Re :- FA 51/2021 & CAN 14/2026.

8. This is an application for recording a compromise arrived at by and between the parties. The suit was for partition of joint property. The parties have now come to a settlement on the terms and conditions as mentioned in paragraph 7 of this application.
9. This joint petition has been filed to give effect to the settlement between the parties.
10. By an order passed today in CAN 13 of 2025, we have directed substitution of the legal heirs of the sole respondent in the appeal who passed away during pendency of the appeal. Those legal heirs are also parties to this application.
11. By consent of the parties, the preliminary decree passed by the learned trial court is set aside.
12. The suit revives to the extent the same was disposed of. The shares declared by the preliminary decree are not disturbed. The parties may file terms of settlement before the learned trial court in accordance with what has been set out in paragraph 7 of this application for finally disposing of the suit.

13. The appeal, accordingly, stands disposed of along with the connected application.

14. The learned advocates for the parties say that inadvertently Annexure-A to the petition was not filed with the application. A copy of the said plan filed today in Court be kept with the records.

15. Mr. Ayan Banerjee, learned advocate is the Partition Commissioner appointed by this Court. The learned trial court, at the time of passing final decree in accordance with the settlement arrived at between the parties, will discharge the Partition Commissioner. The learned trial court shall also address the issue of payment of remuneration to the Partition Commissioner.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)