

IN THE COURT OF MUNSIF, BALLIA, BEGUSARAI

Title Suit. No. 12/17

Reg No. 12/17

Date of Order 12.04.2023	<u>Bibi Sufia Khatoon.....Plaintiff</u> Versus <u>Bibi Shahzadi Khatoon and Others.....Defendants</u> <u>Ld. Counsel for Petitioner- Md. Zaheer Afaq, Ld. Adv</u> This case is put for the order on the petition filed by the petitioner/Plaintiff on dt.17.02.20 to substitute the name of legal heirs due to death of sole plaintiff namely Bibi Sufia Khatoon on dt.11.02.2020. Opposite party has not filed rejoinder of petition filed by the petitioner dt.17.02.20. Plaintiff filed petition under order XXII rule 3 of C.P.C and S-151 of C.P.C to delete the name of sole plaintiff namely Bibi Sufia Khatoon, w/o Mohibur Khatoon due to his death and to substitute the name of legal heirs in place of sole plaintiff namely Bibi Sufia Khatoon. Ld.Counsel for the Plaintiff has submitted that the sole plaintiff namely Bibi Sufia Khatoon deceased on dt.11.02.20 and prayed for substitution of his legal heirs. Moreover he submitted that for the ends of justice and for proper adjudication of this suit it is essential to substitute the name of legal heirs in his place. Further learned advocate argued that it is quite essential to substitute his legal heirs so that the suit may not be prejudice to any of the party. Heard the Ld.counsel and perused the case record, this court find that due to death of sole plaintiff namely Bibi Sufia Khatoon, Petitioner filed instant petition for impleading the legal heirs of sole plaintiff namely Sofia Khatoon. Considering the factual matrix of this case, this court finds that right to sue the legal heirs of the sole plaintiff namely Bibi Sofia Khatoon also survives and to prevent the multiplicity of the proceeding and to decide the real points of controversy between the parties, this court finds that legal heirs of the sole plaintiff namely Bibi Sofia Khatoon is required to be impleaded in this suit. In the result considering the aforesaid discussions, the court is of considered opinion that prayer of petitioner donot suffers from any shortcomings rather it liable to be accepted.	Remarks
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It is necessary and in the interest of justice to allow substitution. Therefore, this court is inclined to allow the petition filed by the petitioner to expunge the name of sole plaintiff namely Bibi Sufia Khatoon and substitute legal heirs namely 1.(a) Md.Habibur Rahman, s/o Late Mohibur Rahman, 1.(b) Md.Hifzur Rahman, s/o Late Mohibur Rahman, 1.(c) Md.Aftab Aalam, s/o Late Mohibur Rahman, 1.(d) Safina Khatoon, s/o Late Mohibur Rahman, 1.(e) Hamida Khatoon, d/o Late Mohibur Rahman, 1.(f) Ezazur Rahman, d/o Late Mohibur Rahman 1.(g) Samsida Khatoon, d/o Late Mohibur Rahman, 1.(h) Shahroza Khatoon, d/o Late Mohibur Rahman, 1.(i) Shabnam Khatoon, d/o Late Mohibur Rahman.

Hence, the petition filed by the petitioner is hereby disposed of without any cost. Moreover, the office clerk is directed to make an effect to this order at instant.

Put up for further proceedings on dt. 01-07-23

(Dictated)

Lakshmi Nath

Lakshmi Nath

Munsif

Ballia, Begusarai

12.04.2023