

**In the Court of Sub Judge-II, Benipur**

*Present:- Pranav Kumar Bharti*

**Title Suit No.-97 of 2012, Registration No.-1792/14**

*Smt. Amola Devi vs. Smt. Janaki Devi & Others*

**26-07-2021**

Plaintiff is in attendance while Defendant is absent. on perusal of the case record, it appears to the court that today this case has been fixed for hearing on petition dated-20.07.2021 on behalf of the plaintiff U/O-XXII, Rule-4 of the Civil Procedure Code, 1908 herein after referred as the C.P.C. In this petition dated-20.07.2021, it has been submitted that Nunu Jha, s/o-Late Mod Narayan Jha, Defendant No.-7 of this suit died on 09.05.2021 leaving behind himself two sons namely Santosh Kumar Jha & Ashutosh Kumar Jha, widow namely Bijay Laxmai Devi and three predeceased daughters namely Bhal Chandra Jha, Bal Chandra Jha & Lal Chandra Jha. It is further submitted that now plaintiff wants to substitute the legal representatives of aforesaid deceased defendants in the plaint and in the interest of justice, it is expedient that legal representatives of deceased defendant no.-7 be substituted in the plaint. Therefore, it is prayed that name of Late Nunu Jha and his father be deleted from the array of defendants and legal representatives of deceased defendant no.-7 be substituted in the plaint in the interest of justice as mentioned in the foot of the petition.

On rejoinder of the petition dated-20.07.2021 has been filed on behalf of the Defendant.

Heard the learned counsel of the plaintiff through V/C, but nobody turned up on behalf of defendant for hearing. On hearing and perusal of case record, it appears to the court that a petition U/O-XXII, Rule-4 of the C.P.C. supported with an affidavit and copy of death certificate has been filed on behalf of the plaintiff and no rejoinder has been filed on behalf of the defendant. It also appears that contesting Defendant No.-7 namely Nunu Jha, s/o-Late Mod Narayan Jha died on 09.05.2021 leaving behind widow namely Bijay Laxmai Devi, two sons namely Santosh Kumar Jha & Ashutosh Kumar Jha and three predeceased daughters namely Bhal Chandra Jha, Bal Chandra Jha & Lal Chandra Jha. The petition dated-20.07.2021 filled on behalf of the plaintiff is within time as mandate under Article-120 of the Limitation Act, 1963.

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continued.....

Considering the facts and circumstances as discussed above, petition dated-20-07-2021 filed on behalf of the plaintiff is allowed in the interest of justice. Learned Counsel of the Plaintiff is directed to struck off the names of deceased Defendant No.-7 and his father from title page of plaint and substitute the name of the legal heirs of the deceased Defendant No.-7. as named on the foot of the petition(Defendant No.-7A to 7F), in place of him in the plaint within ten days from today. Thus petitions dated-20.07.2021 filed on behalf of the plaintiff is disposed of as accordingly.

Fixing on ...04-08-21..... for substitution of legal heirs.

Dictated

Sub Judge-II

26.7.21