

Title Suit. 10/2018**Present : Sanni Kumar, Munsif, Barsoi**

Sl.	Date of Order of proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4

<u>27.03.2023</u>	Today the case is fixed for order on petition of plaintiff dated 20.12.22 under order 22 rule 4 of C.P.C. <u>ORDER</u> Attendance has been filed on behalf of plaintiff. Ld. Advocate on behalf of the plaintiff has moved an application dt. 20.12.22 filed under order 22 rule 4 read with section 151 of Code of Civil Procedure Code (C.P.C) duly supported with an affidavit, wherein he has stated that Defendant No.01 namely Bibi Mushtari Khatoon has died on 27.07.2022 and his legal representatives are namely 1. Md. Manowar Alam 2. Md. Mushtaque Alam 3. Md. Muzammil Alam 4. Manora Khatoon and 5. Manzari Khatoon. Accordingly, it has been prayed that name of defendant No. 01 shall be deleted from the plaint and his legal representatives shall be substituted. Learned counsel on behalf of defendant has orally objected on limitation. Heard and perused the record. On perusal of record, it appears that Defendant No. 01 namely Bibi Mushtari Khatoon has died on 27.07.2022 and leaving behind his legal representatives are namely 1. Md. Manowar Alam 2. Md. Mushtaque Alam 3. Md. Muzammil Alam 4. Manora Khatoon and 5. Manzari Khatoon. Considering the aforesaid fact the court finds it proper and necessary to substitute the defendant in order to adjudicate the suit properly. Therefore, in the interest of justice, petition dt. 20.12.22 is hereby allowed with 200/- rupee cost to be paid to defendant accordingly abatement set aside. Plaintiff is directed to delete the name of Defendant No.01 namely Bibi Mushtari Khatoon from the plaint and add his legal representative in accordance with petition dt. 20.12.22.	
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		Put up ondelition and substitution for appearance of substituted defendant.	
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(Typed & corrected)

Sanni Kumar (Munsif)

Barsoi