

In the Court of Sukul Ram, Sub-Judge-I Cum ACJM, Narkatiaganj

Title Suit No. 108/2020

Md. Eqbal.....Plaintiff

V/S

Sagirun Nesha & others.....Defendants

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
31.07.2025	<p>Both parties file their attendances. A petition dated 03.07.2025 has been filed on behalf of the Plaintiff under Order 22 Rule 04 CPC which is presented for order today on 31.07.2025.</p> <p>Learned counsel of the Plaintiffs prayed that defendant no. 09 Md. Jahangir had died on 02-03-2025 leaving behind his widow Sagirun Nesha and seven daughter namely Azamat Ara, Saukat Ara, Ruhushaba Khatoon, Nargish Ara, Isharat Parbeen, Tabbsum Jahan and Afroj Sahin, who are legal heirs of Md. Jahangir. The Wife of Md. Jahangir Sagirun Nesha the defendant no. 01 in this case and all the seven daughter as the name of defendant no. 02 to 08 and therefore all the legal heirs Md. Jahangir are already parties to the present case and thus the not need the substitution petition. In above set situation after death of Jahangir defendant no. 09 only his name delete in collumn of defendant. In such substitution question of limitation and the Rule of automatic abetment does not arise at all. It is therefore prayed your honour be pleased to the name of defendant no. 09 Md. Jahangir be deleted in column of defendant.</p> <p>No rejoinder has been filed by the defendants but the Plaintiffs' petition was orally opposed.</p> <p>Heard both parties and perused the record. From perusal of the record it transpires that</p>	

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<p>Continue 31.07.2025</p>	<p>defendant no. 09 Md. Jahangir died on 02-03-2025 and all the legal heirs of Md. Jahangir are already parties to the present suit and thus need not the substitution petition. In above set situation after death of Jahangir defendant no. 09 only his name delete in column of defendant. An affidavit has been filed by the Plaintiff in support of the application. Therefore, in the interest of justice, the petition of the Plaintiff dated 03-07-2025 is hereby allowed and Plaintiff is directed that within the time limit, he should delete the name of defendant no.9 Jahangir from the Plaint.</p> <p>Put up on 16-10-2025 for appearance and for deleting the name of defendant no. 9 Jahangir.</p> <p style="text-align: center;">Dictated</p> <p style="text-align: center;">Sub-Judge-I Narkatiyaganj</p>	
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