

Misc. case – 50 of 2022

Arising out of TS 288 of 2012 (CIS No. 1524 of 2014)

ORDER NO. 49 DATE : 13.02.2025

Today is fixed for argument.

Both parties file hazira.

The record is taken up for hearing of the Misc case under Order 22 rule 9 r/w Section 151 of CPC.

By filing a petition with affidavit the petitioner prays for substitution of the legal heirs of deceased defendant along with a prayer for condonation of delay on the ground stated in the petition. He further submits that the huge period was exempted by the Hon'ble Supreme Court due to Covid pandemic.

On the other hand, Ld advocate for the O.P did not raise any objection to the present petition under hearing and given consent to it. But she prays for compensation for the harassment.

Heard and considered.

After perusing the materials on record this court finds that for proper adjudication of the main suit in order to resolve the issues between the parties and in order to speedy disposal of the matter and for ends of justice, the petition under hearing should be allowed. But the O.P should also be compensated for the harassment made to him.

Hence it is

ORDERED

The Misc Case under hearing is allowed on contest with a cost of Rs.800/- payable to the O.P within one month from the date of this order.

Petitioner is directed to take steps.

To **21.05.2025** for additional W/S, if any by the added party.

The Misc. Case being No. 50/2022 is thus disposed of.

D & C by me.

Prarthana Banerjee
Civil Judge (Jr. Divn.)
1st Court, Berhampore, Msd.