

TS- 24 of 2015

Order No. 27 dated 20.08.2019

Ld. Advocates on behalf of the plaintiff and the defendant No. 3 are present and have taken their respective steps.

Today the date is fixed for hearing of the application dated 20.12.2018 filed by the plaintiff U/O 22 Rule 4 of CPC read with section 151 thereof.

None moves for the defendant.

The substitution petition is taken up for hearing.

Heard the Ld. Counsel for the plaintiff.

It appears that defendant No. 2 Dipak Kr. Saha has expired on 21.09.2018 leaving behind his wife, Smt. Mamata Saha and daughter Papiya Saha. This is a suit for partition. Hence, all the legal heirs of the parties are required to be brought on record for effective disposal of the suit. Hence, the prayer of the plaintiff to substitute defendant No. 2, Lt. Dipak Kr. Saha, by his legal heirs as stated in his application is considered and allowed.

Let the legal heirs of **defendant No. 2 be added as defendant Nos. 2(a) and 2(b) to the instant suit.**

The plaintiff is directed to take steps for service of summons upon the substituted defendants within the date fixed hereinbelow.

B.C-I is directed to keep note of substitution as stated above on record as well as reflect order dated 06.06.2016 on cause-title of the plaint.

It appears from the record SR in respect of summons issued upon defendant Nos. 5(a) & 5(b) returned after proper service, but none of the defendants has appeared before the Court till today. **Hence, the suit shall proceed ex-parte against defendant Nos. 5(a) & 5(b).**

SR has been received without service which was issued upon defendant No. 5(c).

Hence, the plaintiff is directed to take steps upon defendant Nos. 2(a), 2(b), 4(b), 4(c) & 5(c).

To **28.11.2019** for SR and appearance of defendant Nos. 2(a), 2(b), 4(b), 4(c) & 5(c).

Dict. & Corrected by

CJ(SD), Kalna

Civil Judge(Sr. Divin), Kalna