

IN THE COURT OF CIVIL JUDGE (Sr. Div.)CHIRANG AT KAJALGAON
Present :- Mr. Akhtabul Ala, AJS Civil Judge (Sr. Div.)Chirang,
Kajalgaon
Misc (J) No:- 106/2026

Date	ORDER	Signature
<u>12.08.2026</u>	This Misc J case arises out of petition no. 1104/2026 filed by the petitioner/plaintiff u/o 22 rule 4 R/W Sec. 151 CPC praying to substitute the legal heirs of deceased defendant no.2 Nasiruddin who expired on 18.12.2025. The O.P/defendant side has received the copy of the said petition and submitted that they have no objection if the said petition filed by the petitioner is allowed. Heard. Perused C/R. Now, it can be seen that the defendant had informed about the death of defendant no. 2 Nasiruddin on 12.06.2026 vide petition no. 977/2026 wherein they mentioned that the defendant no.2 Nasiruddin expired on 18.12.2025 leaving behind his legal heirs namely:-Manjuwara Khatun, Ainal Hoque, Idrish Ali, Nasimon Begum and Mabiya Khatun. Now, on coming to know about the death of defendant no.2 the plaintiff on the very next fixed date i.e. on 30.06.2026 had filed the aforesaid petition no. 1104/2026 u/o 22 rule 4 R/W Sec. 151 CPC praying to substitute the	

legal heirs of deceased defendant no.2.

Now, it was a duty cast on the defendant side to inform about the death of defendant no. 2 under provision of order 22 rule 10-A CPC.

Now, since the defendant side failed to inform about the death of defendant no.2 on time so, the plaintiff could not take steps for substituting the legal heirs of deceased defendant no.2, but however the plaintiff on coming to know about the death of defendant no.2 had taken prompt steps to substitute the legal heirs of deceased defendant no.2.

Hence, any abatement of suit against defendant no.2 is set aside and the aforesaid petition no. 1104/2026 filed by the plaintiff u/o 22 rule 4 R/W Sec. 151 CPC praying to substitute the legal heirs of deceased defendant no. 2 is allowed.

This Misc J case accordingly disposed of.

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