

T.S 737 of 2022 (Regd No. Same)
CNR No. WBWM04-001142-2022
J.O. Code. WB01584

Order No. 31
Dated 30.07.2026

Today is fixed for hearing the petition under Order 22 Rule 3 of C.P.C and plaintiff was directed to file P. Board shifting petition.

Plaintiff files hazira along with a petition for P. Board shifting.

Defendant files hazira.

Ld. Advocate for both sides move.

The learned Advocate for the plaintiffs has already filed a petition dated 29.06.2026 intimating the death of Plaintiff No. 1 and praying for substitution of the legal heirs of the deceased Plaintiff No. 1.

On perusal of the record, it appears that Plaintiff No. 1 died on 25.03.2026, whereas the petition for substitution was filed only on 29.06.2026. Thus, the application for substitution has been filed beyond the prescribed period of 90 days from the date of death, and no application for setting aside the abatement or for condonation of delay has been filed.

It further appears that the relief claimed in the suit is of a joint and indivisible nature. In the absence of substitution of the legal representatives of the deceased Plaintiff No. 1 within the prescribed period, the suit has abated as a whole.

Hence, it is

O R D E R E D

That Title Suit No. 737 of 2022 stands abated as a whole.

Consequently, all interim orders, if any, stand vacated.

The D.A. is directed to do the needful.

D/C by me

Sd/-
Civil Judge, (Jr Divn),
1st Court, Paschim Medinipur