

Title Suit - 152 of 1979
CNR – WBSP030000081979
(JO Code - WB01474)

Order dtd. 06.08.2024.

Today is fixed for hearing.

Plaintiff files hazira.

As the plaintiff moves the substitution petition previously filed by him, the same is taken up for hearing.

Heard both sides.

Perused the materials available on record.

Considered.

By filing the instant petition dated 28.05.2018 supported by an affidavit, Ld. Advocate on behalf of the plaintiff submits before the Court that during pendency of the instant suit, that plaintiff no. 2 namely, Farooque Ahmed died on 06.04.2018 leaving behind his wife, one son and two daughters as his legal heirs and hence the plaintiff prayed for substituting them in place of the deceased plaintiff, as per the contention of the instant substitution petition. It was further submitted that as they do not want to join as co-plaintiff, it is necessary to join them in category of proforma defendant.

In view of the statements as to the date of death duly supported by an affidavit and nothing contrary thereto, this Court does not find anything to disbelieve the contention of the date of death of the plaintiff no. 2. Furthermore, as the substitution application has been filed within statutory period of limitation, the petition is liable to be allowed.

Hence,
it is,
ORDERED

That the prayer of the petitioners in the instant substitution petition under Order 22 Rule 4 filed on 28.05.2018 is hereby allowed.

Let the legal heirs of of the deceased plaintiff no. 2 be joined as proforma defendants as per schedule of the instant substitution petition.

Plaintiff is also directed to file amended plaint before the Court after substituting the deceased plaintiff with his legal heirs and and joining them in the category of proforma defendant to the suit as stated in the substitution petition. Plaintiff is further directed to take proper steps upon the proforma Defendants for service of copy of amended Plaint.

Fix **07/02/2025** for filing amended plaint and steps by the plaintiff.

D/corrected by me

Civil Judge (Jr. Divn.)
5th Court, Alipore
South 24 Parganas

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