

Title Appeal - 76 of 2019 (CIS-77/19)
C.N.R. No. WBBB05-000527-2019

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24-06-2025

Today is fixed for hearing of petitions dated 10-04-2025.

Appellant and contesting respondents file haziras.

Petitions are taken up for hearing.

Heard.

It appears from the case record that appellant filed three applications on 10-04-25 after filing put up application.

It is stated by appellant by filing petition under Order 1 Rule 10 CPC that respondent no.11 Suniti Haldar died on 15-06-2023 leaving behind Asim Haldar @ Bablu Haldar as her legal heir and he may be added in this suit as respondent. Contesting respondents put no objection against this application. This is a suit for partition therefore question of abatement does not arise.

Under the circumstances I am of the view that there is no bar to allow the present petition filed by appellant on this date regarding adding of party.

Hence, it is,

ORDERED

that application filed by appellant under Order 1 Rule 10 CPC on 14-10-2024 is considered and allowed on contest against present contesting respondents and ex parte against the rest.

Let legal heir of respondent no.11 namely, Asim Haldar @ Bablu Haldar be added in this appeal as respondent no. 19 after nothing the work 'dead' against respondent no.11.

Amend the memo of appeal and note in the case register accordingly.

Appellant is directed to file requisites for service of notice upon added respondent no.19.

Appellant by filing two separate applications supported by affidavit invoking provisions of order 1 Rule 10 CPC stated that respondent no.8 Indra Chhajer died on 31-12-2024 leaving behind respondent nos. 3 to 7 and 9 as legal heirs who are already on record and respondent no.12 Sebika Haldar died on 20-10-2023 leaving behind respondent nos. 13 to 15 as legal heirs who are also on record. Thus necessary it is prayed for exemption for substitution due to demise of respondent no.8 and 12 whose legal heirs are already made parties to this case.

Considered. Prayers are bonafide and for the interest of justice, both the petitions are allowed.

Let necessary endorsement be made in respect of deceased respondent nos. 8 and 12 after noting the word 'dead' against them.

Bench clerk is directed to note in the concerned register.

Appellant is directed to file amended memo of appeal on the next date fixed.

To 21-08-2025 for taking step upon added respondent no.19 and for filing amended copy of memo of appeal.

D/C

Sd/-
Sandip Kumar Kundu
Addl. District Judge,
F.T.C., Rampurhat.

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Addl. District Judge,
F.T.C., Rampurhat.
J.O. Code – WB00988