

T.S. 101/2018

WBNP04-000128-2018

16/28.03.2023

Today is fixed for report of Sheristadar / steps.

Ld. Lawyers on behalf of both sides are present. The Ld. Lawyer on behalf of the plaintiff has filed a petition u/o 22 Rule 4 read with Section 151 of CPC on this date along with a written statement against the counter claim filed by the defendant nos. 1 and 2. Let such W.S. be kept with the record. The Ld. Lawyers prayed for hearing of the substitution petition dated 28.03.2023. The instant petition is taken up for hearing.

Heard. Perused the petition and the materials available on record. Considered.

It appears from the petition dated 28.03.2023 that the defendant no. 4 namely Smriti Tanu Bhattacharya expired on 27.02.2021 leaving behind his wife and one son as his legal heirs. On close perusal, this Court finds that the instant petition has been filed beyond the statutory period of limitation. Such provision is mandatory. The date of knowledge is not taken into contemplation while deciding a petition filed beyond the statutory period of limitation. That being the case, this Court is not inclined to allow the instant petition since the suit has already been abated against such deceased.

Hence, it is

O R D E R E D

that the instant suit being no. T.S. 101/2018 has been abated as against the defendant no. 4.

The petition dated 28.03.2023 is thus disposed off, without any order as to costs.

Fix **23.08.2023** for filing of amended plaint / report of sheristadar / hearing of the police help petition. Let the order of ad interim injunction be extended till the next date.

D.C. by me.

Civil Judge (Jr. Divn.), 1st Court,
Barasat, North 24 Parganas.
WB01471

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