

In the Court of the Civil Judge (Senior Division), 1st Court, Baruipur

Present: Sri Indranil Chatterjee, (JO Code: WB00827)

Civil Judge (Senior Division), 1st Court, Baruipur

Title Suit no. 567 of 2022

CIS Registration No. 567 of 2022

CNR: WBSP0D-001007-2022

ORDER NO- 10 DATED 05.09.2024:

Plaintiffs file attendance. The plaintiffs files a petition with prayer to extend the effect of initial Order of injunction. Heard. Perused. Considered. The prayer is allowed. The effect of initial Order of injunction is extended till next date.

The defendants no. 2, 3, & 4 again file two petitions with prayer for time to file WO and WS. The same are not moved till 2.50 p.m. Perused the record. In view of last specific Order, the petitions are rejected. The suit shall proceed ex parte against defendants no. 2 to 4.

The plaintiffs on 05.09.2024 filed an application under Order I, Rule 10 of the C.P.C. The petition under Order 1 Rule 10 of the C.P.C dated 05.09.2024 is taken up for hearing. Heard for the plaintiffs. The plaintiffs contend that during the pendency of the Suit, they have discovered that the defendant no. 1 has died and the persons being defendants no. 2 to 4 being his legal heirs are already on record and his name is required to be expunged from this record.

As per this Court the plaintiffs should be given ample reasonable scope to vent all their points and as such, the Court is of the opinion that this petition should be allowed otherwise this Partition Suit may become bad for defect of parties and no effective Decree on this Suit can be passed.

Accordingly, it is

O R D E R E D

The petition under Order I Rule 10 of the C.P.C dated 05.09.2024 is allowed without contest without costs.

Let the name of the defendant no.1 as named in the petition dated 05.09.2024 be expunged from the cause title of the plaint.

Let the petition under Order I Rule 10 CPC dated 05.09.2024 be treated as a part of the plaint.

D.A. to do the needful.

Note in the suit register and in concerned registers and C.I.S. Upload the same.

Plaintiffs to file the amended cause title by next date. The plaintiffs are directed to take fresh steps to summons the newly added defendants at once.

Fix **07.01.2025** for ex parte hearing of injunction application and of suit.

Sd/-

Civil Judge (Senior Division)

1st Court, Baruipur

Typed, corrected and
printed by me:

Sd/-

Civil Judge (Senior Division)

1st Court, Baruipur