

Money Suit– 05/2022
CNR :WBBD17-000009-2022
JO Code : WB01311

Order No – 13

Dated :18/01/2023

This day is fixed for steps & hearing of the application filed by the plaintiff.

Plaintiff files hazira.

The suit is running ex-parte against defendant no.1,2, 4 &5.

The present application U/Or. 22 Rule 2 of the C.P. Code r/w sec 151 of C.P. C has been filed for expunging the name of the deceased defendant no. 3 namely Smt. Madhu Devi Kedia.

It is submitted by the Ld. Advocate of the plaintiff that the defendant no. 1 is the partnership firm & the defendant no. 2, 3, 4 & 5 are its partners.

It is also submitted that the summon which was sent to defendant no. 3 returned with the endorsement “ dead”.

It is also submitted that the legal heirs of defendant no. 3 are defendant no. 2,4 & 5 they are already on-record.

The Ld. Advocate therefore submitted that the name of defendant no. 3 be expunged from the cause title of the plaint.

I have heard the Ld. Advocate.

Since the legal heirs of defendant no. 3 are already on-record as defendant no. 2,4 and 5, the name of defendant no. 3 Smt. Madhu Devi Kedia, since deceased be expunged from the cause title.

Office is directed to take necessary steps for expunging the name of defendant no. 3 from the cause title.

IA no. 04 of 2022 dated 17/11/2022 is disposed of accordingly.

Fix the matter for case management hearing on **16/02/2023**.

D/C by me

Judge, Commercial Court
Asansol

Judge, Commercial Court
Asansol

Later

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Defendant files late hazira.

Defendant also files a petition for setting aside the order of ex-parte hearing.

Let this be registered as separate IA.

The defendant also files the WS on behalf of defendant no. 1, 2, 4 and 5 and also files a petition for acceptance of the WS.

Let this also be registered as separate IA.

To date.

D/C by me

Judge, Commercial Court
Asansol

Judge, Commercial Court
Asansol