

In the Court of Additional District Judge, 1<sup>st</sup> Court, Bankura

**Present: Sri M. Bhattacharyya**

**Title Appeal 23/2017**

Registration no: 146/15

**Order no: 39**

Dated: 18-05-2018

Ld. Advocate for the appellants is present.

Ld. Advocate for the respondent nos: 1, 13, 15, 16 & 17 is present.

Today is fixed for hearing of the petition under order 22 rule 4(4) of the CPC dated. 20.05.2017, along with the petition under Section 151 & 153 of the CPC, dated 15.12.2017 filed by appellants.

Heard Ld. Advocates for both side.

As per the petition respondent no: 30 Narayan Chandra Singha died on 20.03.2017. Now appellants pray to exempt the substitution of legal heirs as the deceased has not contested the original suit.

Considered the submission. Perused the certified copy of the judgement in connection with Title Suit 50 of 1985. It reveals that the said respondent had not contested the case and the suit was dismissed on exparte against him.

Hence,

Ordered

the appellant is hereby exempted to substitute the legal heir of the deceased respondent no: 30 Narayan Chandra Singha as per provision under Order 22 rule 4(4) of the CPC.

Expunge the name of the respondent no: 30 Narayan Chandra Singha from the memo of appeal.

Amend the memo of appeal accordingly.

Note in register.

According to this order the petition dated. 20.05.2017 & 15.12.2017 are disposed off.

Fixed 13/06/2018 for return of notice against rest respondents.

*Dictated and Corrected by me*

Additional District Judge,  
1<sup>st</sup> Court, Bankura

Additional District Judge,  
1<sup>st</sup> Court, Bankura