

**Title Suit No. 08 of 2015**  
CIS No. 15 of 2015  
CNR No. WBBK07-000012-2015  
Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

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**Order no. 109**  
Dated 15-12-2025

Today is fixed for steps by the plaintiff in respect of deceased defendant no.4.

Memorandum of appearance filed by the plaintiff and defendant no.1.

Today Ld. Counsel on behalf of the plaintiff filed one application under Order 22 Rule 4(4) of the CPC in respect of deceased defendant no.4.

Copy of such petition is served to the Ld. Counsel for the defendant no.1 and he received the same by putting his endorsement.

Ld. Counsel on behalf of the plaintiff also filed one application under Section 151 of the CPC with a prayer to accept the application filed under Order 22 Rule 4 (4) of the CPC inter alia stating that direction was given to the plaintiff to file such kind of petition in the meantime, but due to illness of the plaintiff, he failed to take steps in the meantime.

Thus, the application under Section 151 of CPC has been filed today.

Considering the above noted circumstances, the prayer is allowed.

Thus, the application filed under Section 151 of the CPC has been disposed of.

Accordingly, the application filed under Order 22 Rule 4(4) of the CPC is taken up for hearing.

The crux of the application is that defendant no.4 had expired during the pendency of the suit and plaintiff prayed to exempt him from substituting the legal heirs of defendant no.4, *inter alia*, stating that the instant suit is proceeding as ex parte against defendant no.4.

Heard Ld. Counsels for the plaintiff and the defendants.

Considering the provision as laid down under Order 22 Rule 4(4) of the CPC, I find that exemption can be granted to the plaintiff as the instant suit is proceeding ex parte against defendant no.4 because the instant suit is pending for more than 10 years.

Hence, it is,

**Ordered,**

that the application preferred by the plaintiff under Order 22 Rule 4(4) of the CPC is hereby allowed without any order as to costs.

Thus, plaintiff is given exemption for substituting the legal representatives of defendant no.4.

Fix **16-01-2026** for filing revised copy of plaint and argument.

Update CIS forthwith.

*Dictated & Corrected by me.*

Civil Judge (Sr. Divn.), Bishnupur

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