

**Title Suit No. 11 of 2022**  
CIS No. 11 of 2022  
CNR No. WBBK07-000041-2022  
Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

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**Order no. 23**  
Dated 01-04-2025

Today is fixed for payment of cost and necessary order in respect of the death of defendant no.2.

Memorandum of attendance has been filed by the plaintiff and defendants.

Cost has been paid by the defendant no.1 and one money receipt to that effect was filed.

Let the money receipt be kept with the record.

Ld. Counsel on behalf of the plaintiff filed one application under Order 1 Rule 10(2) of the CPC in respect of deceased defendant no.2.

The copy of the application was served to the Ld. Counsel for defendant no.1 and he received the same putting his endorsement.

In the application under Order 1 Rule 10(2) of CPC filed today it has been asserted that defendant no.2, namely, Madhabilata Dutta had expired during pendency of the suit leaving behind her legal heirs and successors as plaintiff, defendant no.2 and Uttam Dutta, being three sons and Chhabi Pal and Kajal Dey, being her two daughters as mentioned in the schedule of the application. It has been further stated that as plaintiff and defendant no.2 are already on record, the rest three legal heirs of deceased defendant no.2, i.e., Uttam Dutta, Chhabi Pal and Kajal Dey are to be substituted and made a party to the case.

The suit has been instituted for the decree of declaration and partition by metes and bounds and other reliefs and therefore right to sue survives on the legal representatives of the deceased defendant.

Hence, it is,

***ordered***

that the application filed under Order 1 Rule 10(2) of the CPC is hereby allowed, but without any order as to costs.

Dealing Assistant is hereby directed to incorporate the fact of substitution of the defendant no.2 by her legal representatives mentioned in the schedule of the application.

Plaintiff is hereby directed to furnish a revised plaint incorporating the name and description of the legal representative of the deceased defendant no.2 and furnish requisites for issuance of summons upon the said legal representatives of the defendant no.2, i.e., defendant no.3 Uttam Dutta, defendant no.4 Chhabi Pal & defendant no.5 Kajal Dey.

Fix **30-07-2025** for filing substituted copy of plaint by the plaintiff and awaiting SR & AD in respect of defendant no.3 to 5.

Ad interim order of injunction is hereby extended upto the next date.

Update CIS forthwith.

*Dictated & Corrected by me.*

Civil Judge (Sr. Divn.), Bishnupur

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