

Title Suit No. 14 of 2018
CIS No. 49 of 2018
CNR No. WBBK07-000059-2018
Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 57

Dated 10-12-2024

Today is fixed for hearing petition filed under Order 22 Rule 3 of the CPC.
Memorandum of appearance filed by the plaintiff and defendant no.1(a).
Accordingly the application is taken up for consideration.

The crux of the application is that sole plaintiff, namely, Sri Kumud Bandhu Sarkar had expired on 11-08-2023 leaving behind his legal heirs and successors as two sons, namely, Biswajit Sarkar and Debjit Sarkar as well as two daughters, namely, Singhda Sarkar and Mita Sarkar as per Hindu Succession Act. Accordingly, the legal heirs of sole plaintiff in this instant suit intend to proceed the suit for their father. The photocopy of death certificate of plaintiff is annexed with the application.

It is pertinent to mention here that the instant suit has been filed for declaration and partition.

Accordingly, the legal heirs of plaintiff are necessary parties in this suit, because their civil right is connected with this instant suit.

Considering the above noted circumstances, I find that I have no impediment to allow the application filed by the legal heirs of the plaintiff under Order 22 Rule 3 of the CPC.

Hence, it is,

Ordered,

that the application filed under Order 22 Rule 3 of the CPC is hereby allowed on contest, but without any order as to costs.

Thus, the legal heirs of plaintiff are hereby substituted.

D.A. is directed to incorporate the facts in the cause title of the plaint.

Accordingly, plaintiffs are directed to file substitute copy of plaint in the meantime.

Today Ld. Counsel on behalf of defendant no.1(a) filed two applications with a prayer to vacate the *ex parte* order as passed against her as well for adopting of W.S. filed by defendant no.1.

Heard both sides.

Considering the rule of natural justice, the prayer for defendant no.1(a) is allowed, but subject to the payment of cost of Rs.2,000/- to be paid to the plaintiff.

Accordingly, the W.S. filed by defendant no.1 is accepted as a W.S. of defendant no.1(a).

Fix **06-01-2025** for framing of issues and submission of substituted copy of plaint and payment of cost.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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