

Title Suit No. 25 of 2018

CIS No. 61 of 2018

CNR No. WBBK07-000074-2018

Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 78

Dated 21-08-2025

Today is fixed for steps by the plaintiffs.

Memorandum of appearance filed by the plaintiffs and defendant no.1(ka) to 1(cha) & 2.

Ld. Counsel on behalf of the plaintiffs filed appropriate steps in regard to the deceased defendant no.7, 9, 13, 15, 16, 19 & 20 by filing application under Order 22 Rule 4(4) of the CPC.

The copy of application was served to the Ld. Counsel for the defendants.

Accordingly, the application is taken up for hearing.

The crux of the application is that defendant no. 7, 9, 13, 15, 16, 19 & 20 had expired during the pendency of the suit and plaintiffs prayed to exempt them from substituting the legal heirs of defendant no.7, 9, 13, 15, 16, 19 & 20, inter alia, stating that the instant suit is proceeding as ex parte against defendant no.7, 9, 13, 15, 16, 19 & 20.

Heard Ld. Counsels for the plaintiffs and the defendant no.1(ka) to 1(cha) & 2.

Ld. Counsel for defendant no. 1(ka) to 1(cha) & 2 raised no objection against the prayer of the plaintiffs.

It is also pertinent to mention here that the instant suit was fixed for evidence and at the time of evidence defendant no. 7, 9, 13, 15, 16, 19 & 20 expired.

Considering the provision as laid down under Order 22 Rule 4(4) of the CPC, I find that exemption can be granted to the plaintiffs because it will delay the delivery of the judgment especially when the instant suit is pending for more than 07 years.

Hence, it is,

Ordered,

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

Thus, plaintiffs are given exemption for substituting the legal representatives of defendant no.7, 9, 13, 15, 16, 19 & 20.

Suit Clerk is directed to give effect in the cause title of the suit and plaintiffs are directed to file a revised copy of plaint within next date positively.

Fix **10-11-2025** for steps by the plaintiffs.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur
S.D.

Civil Judge (Sr. Divn.), Bishnupur