

Title Suit No. 24 of 2022
CIS No. 24 of 2022
CNR No. WBBK07-000109-2022
Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 28
Dated 09-12-2025

Today is fixed for hearing of injunction petition and petition filed by the defendants under Order 39 Rule 4 of the CPC.

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

Ld. Counsel for the plaintiffs filed applications under Order 1 Rule 10(2) of the CPC and under Order 6 Rule 17 of the CPC.

The copies of applications were served to the Ld. Counsel for the defendant no.1 and he received those copies by putting his endorsement.

The case record is taken up for hearing.

Heard Ld. Counsels for both sides at length.

Perused the applications.

Now, the case record is taken up for passing necessary order.

In the said application under Order 1 Rule 10(2) of CPC, it has been asserted that defendant no.2, namely, Khudiram Ghosh expired during the pendency of the suit leaving behind his legal heirs and successors mentioned in the schedule of the application who are to be substituted and made a party to the case.

The suit has been instituted for the decree of declaration and partition and therefore right to sue survives on the legal representatives of the deceased defendant no.2.

Hence, it is

Ordered,

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

The legal heirs of deceased defendant no.2 as mentioned in the schedule of the application are hereby added as defendants in this suit.

Dealing Assistant is hereby directed to incorporate the fact of substitution of the defendant no.2 by his 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 representative of the defendant no.2, namely, 2(a) Chandidas Ghosh, 2(b) Mousumi Ghosh & 2(c) Pampa Ghosh within next date.

As a sequel of this order, the application filed under Order 6 Rule 17 of the CPC is also allowed.

Fix **09-03-2026** for filing revised copy of plaint, SR & AD in respect of added defendants as well as defendant no.2(a) to 2(c).

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

Update CIS forthwith.

Dictated & Corrected by me.