

Title Suit No. 32 of 2022
CIS No. 32 of 2022
CNR No. WBBK07-000127-2022
Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 16
Dated 22-01-2025

Today is fixed for hearing petition filed under Order 1 Rule 10(2) of the CPC and SR & AD in respect defendant no.3 to 5 as well as acceptance of W.S. filed by defendant no.1.

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

Defendant no.2 is absent without any step, inspite of service of summons.

None appears on behalf of defendant no.2 inspite of repeated calls.

Accordingly, I have no impediment to fix the instant suit as ex parte against defendant no.2.

Service in respect of defendant no.3 to 5 is not satisfactory.

Accordingly, plaintiff is directed to file fresh requisites in respect of defendant no.3 to 5 in the meantime.

The W.S. filed by defendant no.1 is accepted.

Now the case record is taken up for hearing the application filed under Order 1 Rule 10(2) of the CPC.

The crux of the application is that plaintiff, namely, Naba Kumar Goswami had expired on 15-06-2024 leaving behind his legal heirs and successors as Bishnupriya Goswami, being wife, Gadadhar Goswami, Buddhadeb Goswami and Agomoni Goswami, being sons and Annapurna Roy and Chaitali batabyal, being two daughters 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 1 Rule 10(2) of the CPC.

Hence, it is,

Ordered,

that the application filed under Order 1 Rule 10(2) 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.

Fix **01-04-2025** for SR& AD in respect of defendant no.3 to 5 as well as filing substituted copy of plaint.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

Civil Judge (Sr. Divn.), Bishnupur