

Other Suit No. 2 of 2022
CNR No. WBCB01-001175-2022

Present : Subrata Ch. Polle,
District Judge, WB01273.

12

25/08/2023

Today is the date fixed for filing amended plaint.

The plaintiff has filed amended application for granting probate. A copy of the same has already been handed to the learned counsels appearing for the 1st and 2nd defendants.

A copy of the amended plaint has been served to the 3rd to 10th defendants.

Learned counsel appearing for the plaintiff has filed an application for treating the service of notice along with the amended application for granting probate upon the 3rd to 10th defendants in this case is valid. In support of such contention, he has filed the original postal receipts in respect of the aforesaid defendants. The Process Server has furnished his reports.

On perusal of the same, it appears that the postal charges are paid at the time of posting the aforesaid articles on 19/07/2023. The addresses appearing in the original postal receipts are the same and identical with the addresses mentioned in the cause title of the case. One month has been passed. The original postal articles did not return to this court in the meantime as unserved.

In view of the aforesaid facts and circumstances, and further taking into consideration of Order V Rule 9 (3) of the Code of Civil Procedure, the service of notice of the present probate application after the amendment allowed on the last occasion has been effected satisfactorily upon the 3rd to 4th defendants in this case.

The documents filed by the plaintiff be kept on record.

No step is taken by the 3rd to 10th defendants in this case. On repeated calls, none appears for the 3rd to 10th defendants in case. Accordingly, the case is fixed ex parte against the 3rd to 10th defendants in this case.

Contd.....

(Contd.....Order No. 12, dated 25/08/2028)

Sri Chandra Sekhar Bhttacharyay and *Sri Ajoy Kumar Chakraborty* learned counsels appearing for the 1st and 2nd defendants submitted that no separate additional written statement is necessary to be filed against the amended application for probate.

Accordingly, on consent of the parties, next date of the case is fixed on **18/11/2023** for discovery and inspection by the parties.

Sd/- S.C.Polle
District Judge
Cooch Behar