

Title Suit 74/ 2001 (CIS - 113/ 2014)

CNR No. - WBHW07 000 -

Order No.182 dated 13.04.2022

Today is fixed for hearing the application under Order 22 Rule 4 C.P.C. as well as the application under Order 6 Rule 17 C.P.C.

Plaintiff is present.

No step has been taken by the defendant No. 2. Accordingly, the said defendant is directed to show cause in writing as to why the present suit shall not be heard ex parte against her.

Now the instant application under Order 22 Rule 4 C.P.C. is taken up for hearing.

Heard the Ld. Advocate of the plaintiff.

Perused the instant application.

Considered.

It is revealed from the instant application that the defendant No.1 Ganesh Deyati expired on 21.07.2020 leaving behind the persons mentioned in the schedule of instant application as his legal heirs. From the instant application it is apparent that the present petition has been filed within the statutory period. Therefore, there is no impediment in allowing the same. Accordingly, the instant petition is hereby allowed. Let the name of the deceased defendant No. No.1 Ganesh Deyati be struck out from the cause title of the plaint and the names of his legal heirs namely Rita Ghosh and Mana Deyati be substituted therein.

Plaintiff is directed to take necessary step regarding the substituted defendants. The plaintiff is further directed to file amended plaint after incorporating therein the names and particulars of the substituted defendants.

To 22.07.2022 for steps by the plaintiff regarding the substituted defendants and filing amended plaint.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

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