

Title Suit No. 1119 of 2020
Present: Subhrajit Basu, Judge, Bench-IV
Jo Code: WB01238

Order No.38
16.05.2025

The matter is fixed today for hearing of the application under Order 22 Rule 3 of the CPC dated 27.03.2025.

Ld. Advocates for the parties are present.

By this application dated 27.03.2025, the applicants, namely, Partha Sarathi Mitra and Indranil Mitra, have stated that the sole plaintiff of this suit died on 05.01.2025 leaving behind them as her only heirs and successors. Accordingly, they have filed the instant application for being substituted as plaintiffs in this suit in place and stead of the deceased sole plaintiff Smt. Gouri Mitra.

Against the instant application, the defendant have filed written objection.

Ld. Advocate for the defendant vehemently argued that the present applicants have no right to maintain the suit in view of the provision of Section 2 (g) of the W.B.P.T Act, 1997.

However, this Court is of the view that such question cannot be decided at this stage and by substitution of the present applicants in place and stead of the deceased sole plaintiff, the defendant's right to object to the prayers of this suit is no way curtailed or taken away.

This Court is of the view that the instant application for substitution has been made in accordance with law and within time, the same is entitled to be allowed.

Accordingly, the application under Order 22 Rule 3 of the CPC dated 27.03.2025 is allowed. The present applicants be substituted the plaintiffs nos. 1(a) and 1(b) and in place and stead of the deceased original plaintiff Smt. Gouri Mitra.

Office to amend the cause title of the plaint accordingly.

The substituted plaintiffs are directed to file amended plaint on the next date which is fixed on **14.07.2025**.

It is made clear that the objections of the defendants against the maintainability of the suit by these substituted plaintiffs or on merit are no way curtailed or taken away by this order.

D/C by me

Sd/-
Judge, Bench-IV
City Civil Court, Calcutta

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City Civil Court, Calcutta