

T.S. - 1090/19 CNR – WBCC0104018-2019

Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 35

16.7.24

Today is fixed for further cross examination of PW 1 and hearing of the application u/o 22 Rule 3 read with section 151 CPC filed by the plaintiff nos 2 to 8 on 28.2.24.

The plaintiff nos 2 to 8 as well as defendant nos 3 and 4 file separate haziras. Other defendants are absent without any step.

Now the said application is taken into consideration. Heard the Ld. Advocates for both the sides.

Perused the said application, whereby the plaintiff nos 2 to 8 have prayed for passing necessary order to substitute the persons along with their particulars as disclosed in the schedule to the said application in place of the plaintiff no 1 in the cause title of the plaint on the ground that the plaintiff no 1 is dead.

No WO has been filed against the said application.

It appears from the copy of death certificate that the plaintiff no 1 died on 6.2.24 and the instant application has been filed on 28.2.24 i.e. well within the prescribed period of limitation.

In view of the above position, I am inclined to allow the said application.

Hence it is

Ordered

that the application filed by the plaintiff nos 2 to 8 on 28.2.24 u/o 22 Rule 3 read with section 151 CPC is hereby allowed.

Let the persons along with their particulars as mentioned in the schedule to the said application be substituted in place of the deceased plaintiff no 1 in the cause title of the plaint. Note accordingly.

Fix 16.8.24 for further cross examination of PW 1. The plaintiff nos 2 to 8 along with the substituted plaintiffs are directed to furnish amended copy of plaint in the context of the above substitution after serving copy thereof upon the contesting defendants in the meantime.

D/C by me

Judge

Judge 2nd Bench

Later

After passing of the above order, the substituted plaintiffs furnish fresh vokalatnama. Let the same be kept with this record.

To date.

D/C by me

Judge

Judge 2nd Bench