

Title Suit 34844 of 2014 (CNR WBCC01-004902-2014)
Present:- Sri S. Dasgupta (J.O. Code WB01246)

Order No. 67 / dt. 26.11.2024

Today is fixed for hearing application dated 24.04.2024 filed by the plaintiffs.

Both parties file haziras.

Ld. Advocate for the plaintiffs is present.

However, none appears for the defendants despite repeated calls.

In view of the previous order being Order No. 66 dated 12.09.2024 by which the substitution application dated 24.04.2024 filed by the plaintiffs had been fixed for hearing and by which the defendants were directed to be present on the next date fixed **i.d. the matter will be heard in the absence of the defendants**, the said application is taken up for hearing.

Heard the Ld. Advocate for the plaintiffs. Perused the materials on record.

It is stated that during pendency of the instant suit the plaintiff No.1 Abhay Kumar Sarawgi died 18.03.2024, leaving behind his wife Smt. Lakshmi Sarawgi, one son namely, Sri Rahul Sarawgi and two daughters namely, Smt. Ruchi Agarwal and Smt. Yashika Sarawgi as his legal heirs and representatives and it is prayed for substituting their names in place of the plaintiff No.1. It is stated that the said legal heirs and successors are major and *sui juris*.

On perusal of the record, it appears that the plaintiff No.1 died on 18.03.2024 and the instant petition was filed on 24.04.2024 i.e., within the period of limitation.

Hence, the application is considered and allowed.

The above application is accordingly disposed of.

The plaintiffs are directed to file amended plaint by the next date fixed.

Fix 21.01.2025 for filing amended plaint by the plaintiffs.

D/c by me

Sd/-

Judge, Bench-III,
City Civil Court, Calcutta.

Sd/-

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City Civil Court, Calcutta.