

Title Suit No. 1043 of 2024
Present: Subhrajit Basu, Judge, Bench-IV
Jo Code: WB01238

Order No.10
28.03.2025

The matter is fixed today for S/R and A/D appearance, hearing of temporary injunction application and the application under Section 151 of CPC filed by the proforma defendant no.2 dated 07.01.2025.

On the last occasion, this Court directed the proforma defendant no.2 to serve copy of his application dated 07.01.2025 upon the principal defendant no.1.

Today Ld. Advocate for the proforma defendant no.2 is present and he files the notice along with a postal receipts and returned envelope by way of firisti showing that the principal defendant no.1 refused to accept the service. As such, such service is found to be valid in the eye of law.

Accordingly, the application of the proforma defendant no.2 dated 07.01.2025 is now taken up for hearing.

In this case, an interesting situation has arisen as the sole plaintiff, being the mother of the principal defendant no.1 and proforma defendant no.2, has died and by this application, the proforma defendant no.2 has prayed for being transposed as the plaintiff in this suit.

This Court finds no illegality in the prayer made in the application.

Considering the facts and circumstances of the case, and also considering the fact that the principal defendant no.1 does not appear today to oppose this application, the application of the proforma defendant no.2 dated 07.01.2025 for transposing him as the plaintiff in this suit is hereby allowed at his own risk.

Accordingly, the proforma defendant no.2 is hereby transposed as the sole plaintiff in this suit.

To 19.05.2025 for filing amended copy of plaint and further order.

D/C by me

Sd/-

Judge, Bench-IV
City Civil Court, Calcutta

Sd/-

Judge, Bench-IV
City Civil Court, Calcutta

