

Ejectment Suit 113 of 2021 .

[CNR WBPS01 000234 2021]

Before - Uttam Kumar Shaw- Ld. Chief Judge.

Order No:-12

29/10/2022.

Today is fixed for taking steps by the plaintiff and framing of issues.

Record reveals that on the strength of a put up petition, plaintiff has filed a petition u/o-XXII Rule 2 of C.P.C on 14-09-2022 after service of copy praying for expunging the name of plaintiff no-1 , which is fixed today for consideration

Parties file haziras. The petition dated 14-09-2022 u/o-XXII Rule 2 C.P.C is taken up for hearing. Heard Ld. Advocate for the plaintiff. Perused the petition and materials on record. No w/o has been filed by the defendant against the petition.

In the instant petition, plaintiff no-2 has contended that during the pendency of the suit, plaintiff no-1 Archana Dutta died intestate leaving behind her only son Sri Somnath Dutta who is already on record as plaintiff no-2/ petitioner. As such, it is prayed that the name of plaintiff no-1 be expunged from the cause title of the plaint.

Perused the photocopy of death certificate annexed with the petition wherefrom it reveals that plaintiff no-1 Archana Dutta died on 28-07-2022. Her legal heir and successor Sri Somnath Dutta is already on record as Plaintiff no-2 as it reveals from the plaint.

The application u/o-XXII Rule 2 of C.P.C appears to be formal in nature and is within time and requires to be allowed.

Accordingly,

it is

ORDEREED

that the petition dated 14-09-2022 filed by the plaintiff no-2/ petitioner u/o-XXII Rule 2 of C.P.C is considered and allowed.

Let the name of plaintiff no-1 Archana Dutta be deleted from the cause title of the plaint.

Amend the plaint accordingly. Note the same in register. Make necessary data entries in the CIS system also.

To **(11/01/2023)**.for framing of issues.

Dictated & Corrected

by me

Chief Judge.

Chief Judge.
J.O .Code:- 00372

