

O r d e r no.42
Dt.09-07-2018

Both the appellants and respondents filed their respective Lawyer's hazira.

Heard the petition filed by the appellant under order 22 rule 4 of CPC praying for substituting the Legal Heirs of the deceased/respondent Bela Das as respondents and memo of appeal in presence of Ld. Advocate for the appellant. The Ld. Advocate for the respondent is absent on call.

Seen the petition.

Perused the case record and considered.

It is found from the memo of appeal that the Bela Das was the respondent no. 1 of this appeal and she has died leaving behind her Legal Heirs namely Joygopal Das, Sandip Das and Rita Bhattacharjee.

Appellants have intended to substitute the Legal heirs of the deceased Belarani Das as the respondents in the cause title of the memo of appeal.

Since Joygopal Das, Sandip Das and Rita Bhattacharjee are the husband, son and daughter respectively as such they should be in corporative and substituted as respondent in the cause title of this memo of appeal. So I find no reason to turn down the prayer of the appellant.

Considering the above the application filed by the appellant is considered and allowed.

Hence, it is

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that the Legal Heirs of the deceased Bela rani Das namely Joygopal Das, Sandip Das and Rita Bhattacharjee be substituted as respondent nos. 1(a) 1(b) and 1(c) in the cause title of the memo of appeal in place of deceased Belarani Das.

B.C. -I is directed to amend the cause title of memo of appeal accordingly in terms of order of this Court.

Appellants are directed to take step upon the newly respondents nos. 1(a) 1(b) and 1(c) and they are also directed to file the requisite at once.

To 14.08.2018 for step and S/R.

Dictated and corrected by me

Addl. Dist. & Sess. Judge,
Spl. Court, D/D. at Balurghat.

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