

Today the date is fixed for PW 2

Ld. Advocate for the plaintiff and defendants are present by filing their respective haziras.

Ld. Advocate for the plaintiff files a petition for withdrawing the suit from the PH Stage

Hd, considered and allowed.

Ld. Advocate for the plaintiff files a petition under Order 22 Rule 4 of CPC.

Now the Record is taken up for hearing of the aforesaid petition.

Learned advocate on behalf of the plaintiff submits that the defendant number 7 namely Sukhchand Barman expired on 14.07.2015 leaving behind his legal heirs namely Dukhu Barman (son) and two daughters namely Jhalki Roy and Kalyani Roy. He submits that Dukhu Roy has already been impleaded in the present suit. Learned advocate on behalf of the plaintiffs pray for substitution of the deceased defendant number 7 by his legal heirs.

On the contrary learned advocate on behalf of the defendants admitted and raised no objection.

Hearing both sides, perusing the record I find that there are no impediments in allowing the same as it is a partition suit.

Hence, it is

ORDERED

that the prayer for substitution of the deceased defendant number 7 under order XXII Rule 4 of Code of Civil Procedure is considered and allowed on contest without any cost.

Deceased defendant number 7 is substituted by his legal heir namely, Jhalki Roy and Kalyani Roy as defendant number 7(Ka) and 7(kha) respectively.

To 05.04.2019 for steps.

Civil Judge (Jr. Divn.),
Gangarampur at Buniadpur,
Dakshin Dinajpur.
18.01.19

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