

T.S. 281 of 2016 (C.I.S. 958 of 2016)

Order No. 6

Dated 29.08.2017

Today is fixed for hearing petition dated 7.3.2017, W.S by defendant Nos. 1,2,4,6.

Both parties file represented hajira.

The petition dated 7.3.2017 is taken up for hearing.

Heard both sides.

Ld. Advocate for defendants has submitted that defendant No. 5 had died prior to filing of this suit. Therefore, there is no question of substitution in the case. The plaintiffs should have prayed for striking out and adding relevant parties as provided under Order 1, Rule 10(2) of C.P.C. the instant petition is misconceived and may be rejected.

It appears that defendant No. 5 Lutfar Rehaman has died prior to the filing of this suit but merely, mistake provision of law cannot be a ground for rejection of petition. The deletion of defendant No. 5 from the records and the addition of the schedule persons is necessary for effective adjudication of suit. Therefore, the instant petition is considered and allowed.

Plaintiffs are to take necessary steps.

Fix 15-01-2018 for steps by plaintiff.

D & C by me

Civil Judge (Jr. Divn),
Haldia

Civil Judge (Jr. Divn),
Haldia