

Present: Smt. Bristi Bardhan J.O. Code: WB01490

T.S. 194 of 2004

CIS – 194 of 2004

Order No. 136

22.03.2024

Today is fixed for hearing of petition dated **13.03.2024**.

Plaintiffs file hazira.

Now, the petition dated **13.03.2023** is taken up for hearing.

The petition dated 13.03.2023 is under **Order 6 Rule 17** of CPC.

Ld. Advocate for the Plaintiffs had prayed to amend some portion of the plaint by inserting **Sale Deed no. 9015/2019** into the plaint.

Ld. Advocate for the Defendant raised formal objection.

Thus, the amendment sought for is found formal in nature and this will not change the nature and character of the suit and this amendment will not make out a new case. Therefore, this Court is inclined to **ALLOW** the prayer of the Plaintiffs.

Hence, it is

ORDERED

that the petition dated **13.03.2024** filed by the Plaintiff is hereby considered and **ALLOWED** on contest without any cost.

The petition dated 13.03.2023 which is a petition **under Order 1 Rule 10(2) of CPC** is taken up for hearing.

Ld. Advocate for the Plaintiffs had prayed to add Kakali Pahari as Defendant to the suit as Plaintiff no. 2(kha) and 2(ga) had sold the suit plot to Kakali Pahari vide **Sale Deed no. 9015/2019** during pendency of the suit. Thus, the Plaintiff prays to make the following as Defendant to the Suit.

The Plaintiff prays to add :

1. Kakoli Pahari

- as Defendant to the suit.

Ld. Advocate for the Defendant raised formal objection.

Perused the petition under consideration and other materials on case record I am inclined to **ALLOW** of the Plaintiffs.

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(2)

Hence, it is

ORDERED

that the petition dated **13.03.2023** is hereby considered and **ALLOWED** without any order as to costs.

The petition dated **02.05.2023** is taken up for hearing.

The petition dated **02.05.2023** is a **Substitution petition.**

It is submitted by the Ld. Advocate for the Plaintiff that **Plaintiff no. 1, Nirmalendu Pahari** had expired on **25.03.2023** and a petition for substitution of the legal heirs of the deceased Plaintiff no. 01 is filed on **02.05.2023** which is within the statutory period of limitation.

The Plaintiff is praying to substitute :

1. Minati Pahari
2. Gobinda Pahari
3. Mukunda Pahari
4. Tapasi Pondal

- as Plaintiffs no. 1(ka), 1(kha), 1(ga) and 1(gha) in place of deceased Sole Plaintiff to the Suit.

Perused the petition under consideration and other materials on case record I am inclined to **ALLOW** of the Plaintiff.

Hence, it is

ORDERED

that the petition dated **02.05.2023** is hereby considered and **ALLOWED** without any order as to costs.

D/A is directed to note in the relevant register.

Plaintiffs are directed to take steps upon the Defendants for their appearance in this suit.

To **22.07.2024** for filing amended plaint, steps by the plaintiffs and W/O, if any, in the meantime.

D & C by me,

Sd/-
Civil Judge (Jr. Divn),
Haldia, Purba Medinipur

Sd/-
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Haldia, Purba Medinipur