

Probate Suit 02 of 2021

Order No. 21

Order dated 02.08.2023

Today is fixed for hearing of the petition under Or.1 R.10 read with Section 151 of C.P.C.

Ld. Advocate for the petitioner is present.

On behalf of the Opp. Party No. 6(b) namely Monimala Das filed hazira along with fresh Vokatnama.

Ld. Advocate on behalf of the Opp. Party is present.

The record is taken up for hearing of the petition under Or.1 R.10 read with Section 151 of C.P.C.

Heard the Ld. Advocate on behalf of the petitioner. It is submitted that during pendency of the instant proceeding the Opp. Party No. 6(c) had died on 19.02.2022 leaving behind her legal heirs. The son and daughter of the deceased Opp. Party No. 6(c) are the interested party in the instant case. So, the said legal heirs of the deceased Opp. Party No. 6(c) namely Bela Das may be impleaded in the instant appeal as Opp. Party No. 6(c)(i) and Opp. Party No. 6(c)(ii) in place of the deceased Opp. Party No. 6(c).

Perused the petition.

It appears that on previous occasion on 03.04.2023 at the time of hearing learned advocate on behalf of the Opp. Party No. 6(b) submitted before the court that the Opp. Party No. 6(c) died and proper steps has not been taken by the petitioner for which this court directed to the petitioner to take proper steps. Thereafter, on 15.06.2023 the petitioner filed the instant application and it reveals that the Opp. Party No. 6(c) had died on 19.02.2022 and the instant petition was filed on 15.06.2023 which is beyond the statutory period.

However, such information has been given belatedly and since this is a probate case to avoid multiplicity of proceedings and for the interest of justice, this court is of the opinion that the instant application for addition of parties should be allowed.

Hence, it is

ORDERED

that the petition under Or.1 R.10 read with Section 151 of C.P.C filed by the petitioner is allowed on contest without any order as to costs.

The name of the son and daughter of the deceased Opp. Party No. 6(c) are impleaded in the instant proceeding as Opp. Party No. 6(c)(i) and Opp. Party No. 6(c)(ii) in place of the deceased Opp. Party No. 6(c).

D/A is to do the needful in the cause title of the memo of appeal.

Accordingly, the instant petition is disposed of.

Issue notice upon the added Opp. parties on both the ways.

Urgent requisites at once.

Fix 03.10.2023 for S/R.

D/C by me.

Sd/-

D.J

Sd/- (Sudipta Kumar De)

District Judge, Hooghly.