

**Misc. Appeal No. 47 /2021**

**Order No. 09 dated 06.09.2022**

The record is taken up for passing order in connection with the petition dated 25.04.2022 filed by the appellants Or.XXII, R.4 read with Section 151 C.P.C.

It appears that the sole respondent died on 08.01.2022 leaving behind eight legal heirs and successors mentioned in the schedule of the petition. Now, the question arises as to whether the petition is filed within a stipulated time as per law of limitation.

Ld. Advocate during course of submission cited a decision of suo motu writ petition (c) no. 3 of 2020 alongwith other miscellaneous application passed by the Hon'ble Supreme Court in regard to cognizance for extension of limitation. As per order of the Hon'ble Apex Court where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance of period of limitation remaining all persons shall have a limitation period of 90 days from 01.03.2022. The instant application for substitution is filed on 25.04.2022 which is within 90 days from 01.03.2022.

Hence, the petition filed by the appellant for substitution of the deceased/respondent is allowed in view of the order of the Hon'ble Supreme Court.

Fix 21.11.2022 for steps.

Dictated & corrected by me,

Sd/-

D.J.

Sd/- (Abhijit Som)

District Judge , Hooghly