

Misc Case No. 60 / 13
Title Appeal No. 176/11

Order No. 43
Dt. 30.06.2016

Ld. Advocate for the petitioner is present.

Ld. Advocate for the O.P is also present.

It has been submitted by Ld. Advocate for the petitioner that appellant No. 3 namely Madan Mohan @ Madan Gopal Biswas died on 17.07.2013 and, thereafter, the petition for substitution was filed on 26.09.2013 to substitute legal heirs of appellant No. 3. It was his further submission that since the substitution application has been made within the stipulated period, the same may be allowed.

Ld. Advocate for the O.P did not raise objection to the prayer but submitted that in the present appeal, several persons were substituted and it is necessary to call the LCR so that same person may not be substituted for more than once.

Considered the submission of both sides.

It appears from the certificate issued by Pradhan of Dumurdaha Nityanandapur G.P.-I that Madan Mohan Biswas @ Madan Gopal Biswas died on 17.07.2013 and it also appears that he left behind three sons and one daughter and his wife pre-deceased him. Considering such circumstances, in my opinion, the prayer for substitution should be allowed.

Accordingly, it is

ORDERED

that the misc. case be and the same is allowed on contest but without cost.

Petition u/o. 5 Rule 20 read with Section 151 of C.P.C is allowed.

Susanta Biswas, Samar Kumar Biswas, Amar Biswas and Sumitra Mondal are substituted in place of appellant No. 3, Madan Gopal Biswas.

B.C.1 is directed to record the name of the substituted appellant in the cause title of the appeal.

Fix **05.09.2016** hearing of appeal.

L.C.R be called in the mean time.

Dictated and Corrected by me,

A.D.J.

Additional District Judge,
1st Court, Hooghly