

Order No.31 dated 06.11.2024

Today is fixed for hearing of the petition under Order 22 Rule 4 of CPC, W.O, if any, in the mean time.

Both parties are present today in Court by filing their hazira.

The record is now taken up for hearing of the said petition.

Ld. Advocate for the respondents moved the application for substitution and submitted that the respondent No.3 Umesh Roy has expired on 17.06.2024 and so his legal heirs are needed to be substituted in the present appeal for which he has filed the substitution application.

Ld. Advocate for the appellant raised no objection regarding the identity of the heirs sought to be substituted

Heard both sides.

Perused the application for substitution and record. Considered.

The application for substitution has been filed within the period of limitation. So, the prayer for substitution should be allowed.

Hence,

ORDERED

That the application under Order 22 Rule 4 read with Section 151 CPC is allowed.

Let the legal heirs of Umesh Roy, respondent No.3, since deceased namely, 3(a)Nitesh Roy and 3(b)Minor Raja Kumar Ray 3(c) Minor Raju Kumar Ray and 3(d) Minor Guriya Kumari be substituted in place of the respondent No.3.

The minor 3(b) to 3(d) are represented by their natural guardian mother 3(e) Parwati Devi the wife of Late Umesh Ray.

Note in the register accordingly.

Appellant is directed to file amended memo of appeal on the next date and serve a copy of the same to the respondents.

To 20.12.2024 for filing amended memo of appeal.

Dict. & corr. By me.

Sd/-

Addl. District Judge, 2nd Court,
Serampore, Hooghly.

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