

TA- 49/19

Order No. 8  
07.01.2021

Today is fixed for hearing of the petition u/o 22 Rule 3 of C.P.C. read with Section 151 C.P.C.

Both the parties file hazira through their respective Ld. Advocate.

Now, the petition dated 07.03.2020 is being taken up for hearing.

Heard the Ld. Lawyer for the appellant who submits that the sole appellant is no more alive. He died on 04.01.2020 leaving behind the petitioners as his legal heirs and representatives. He further submits that the present petitioners have filed the application within the prescribed period, so there is no bar to make them as necessary parties to this proceeding (appeal). Therefore, he prays for passing necessary order to substitute the petitioners named in the petition as necessary parties (appellants) in the present proceeding, otherwise, they will suffer irreparable loss and injury.

On the other hand, Ld. Lawyer for the respondents raised no objection.

Perused the case record and death certificate. On perusal, it appears that the appellant namely, Ramdeo Yadav died on 04.01.2020. On the other hand, the legal heirs and representatives of deceased preferred the application u/o 22 Rule 3 C.P.C. read with Sec. 151 C.P.C. within the prescribed period. I do not find any reason to disbelieve the death certificate issued by the Registrar Birth & Death, Deoria Sadar, Uttar Pradesh.

Considering all, petition u/o 22 Rule 3 of C.P.C. read with Sec. 151 C.P.C. stands allowed.

Let Smt Bulaki Debi, Sri Ramesh Yadav, Sri Dinesh Yadav, Sri Bablu Yadav, Sri Ajay Yadav and Smt Bindu Yadav who are the wife, sons and daughter of the deceased appellant, be substituted as appellants in lieu of deceased Ramdeo Yadav.

Accordingly, petition u/o 22 Rule 3 of C.P.C. read with Sec. 151 C.P.C. is thus disposed of.

To 24.02.2021 for hearing of the petition u/s 5 of Limitation Act.

Both the parties are directed to come ready on the date fixed.

D/C

ADJ-FTC, Serampore.

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