

Misc. Appl 15/25

Order No.07 dt.27.11.25

The instant case is fixed today for hearing of the applications dt.19.11.25 under Order 22 Rule 3 and order 1 Rule 10 of the Code of Civil Procedure (in short CPC). The applications are supported by an affidavit sworn by Alfaj Hossain son of Lt. Mokbul Ahamed. The applications are hereinafter referred as the 'said applications'.

Heard Ld. Advocate for the appellant and he has submitted that the sole appellant Mokbul Ahamed had died on 03.09.25 leaving behind his three sons and two daughters namely ...

- a) Sk. Aaltab
- b) Sk. Aalfaj Hossain
- c) Sk. Akram Hossain
- d) Mafuja Begam
- d) Aafreja Begam

It is further submitted by the Ld. Advocate for the appellant that one of his son namely Sk. Akram Hossain does not want to contest the instant appeal, but he is a necessary party so he may be impleaded as proforma-respondent under Order 1 Rule 10 of the CPC.

In support of his contention Ld. Advocate has furnished photocopy of the death certificate of Sk. Mokbul Ahamed issued by the Sub-Registrar (Birth & Death) Gram Panchayat Shiyakhala dt.23.09.25 vide certificate no.D/2025/0495006.

Perused the said document wherefrom it appears that Sk. Mokbul Ahamed had died on 03.09.25 and the said applications are filed on 19.11.25 i.e. within time and the right sue survived upon the legal heirs of the deceased. Accordingly the said applications deserve to be allowed.

Hence it is;

ORDERED

that the said applications under Order 22 Rule 3 and order 1 Rule 10 of the Code of Civil Procedure is allowed ex parte.

The appellant is directed to furnish memo of appeal by date fixed.

To 17.12.25 filed the amended memo of appeal.

Dictated & corrected by me

Additional District Judge,
FTC, Chandannagar,
District – Hooghly

Additional District Judge,
FTC, Chandannagar,
(J.O. Code - WB00971)