

L.A. Misc Case No. 06 of 2019

Order No.77, dt. 06.06.2022:

Today is fixed for hearing of the petition u/o 1 Rule 10(2) read with Section 151 C.P.C. dt.23.04.2018.

Parties are present with their respective hazira. Petitioners also file another petition under Order 1 Rule 10(2) read with Section 151 C.P.C.

It is stated in the petition dt.23.04.2018 that one of the petitioners, namely, Ashim Kumar Banerjee @ Asim Banerjee died on 31.12.2012 leaving behind surviving his wife and two sons. So petitioners have filed this petition praying for their addition.

In another petition, the petitioners stated that one of the petitioners, namely, Ashoke Banerjee @ Ashoke Kumar Banerjee died on 18.12.2022 leaving behind surviving his wife and two sons. So the petitioners have also filed this petition praying for their addition.

Petitioners have filed xerox copy of death certificates of the petitioners, namely, Asim Banerjee and Ashoke Kumar Banerjee. Let those be kept with the record.

Ld. G.P., Howrah and Ld. Advocate for petitioners are present.

Heard both sides.

Perused the petitions, death certificates of Asim Banerjee and Ashoke Kumar Banerjee and the materials on record.

It appears that the petitioners, namely, Asim Banerjee and Ashoke Kumar Banerjee expired and those were supported by the certificates issued by Arambagh Municipality and Kolkata Municipal Corporation. So being legal heirs, petitioners are required to be added as parties in this case.

In absence of the petitioners and any of their assignees or legal heirs, no proceedings can continue and a legal vacuum is created by abatement of the case.

Hence, it is,

ORDERED

that both the applications u/o-1 rule-10(2)of C.P.C dt. 23.04.2018 and 06.06.2022 filed by the petitioners, as mentioned in the petitions, are hereby allowed on consent without cost.

Let the petitioners be substituted in place of petitioner, namely, Asim Banerjee as petitioner Nos.8(a) to 8(c) and another petitioners be substituted in place of petitioner, namely, Ashoke Kumar Banerjee as petitioner Nos.2(a) to 2(c) respectively.

Let the names of the added petitioners be inserted in the reference petition as well as in the relevant register.

To 07.07.2022 for amended cause title in light of the above order.

Judge, L.A Tribunal, Howrah