

Misc. Appeal No. 102 of 2022
CNR No. WBHW0100 3517 2022
Present: Sonia Majumdar
District Judge, Howrah.
J.O. Code – WB01128

Order No. 14 dated 30.08.2024

Today is fixed for passing necessary order in respect of the application under Order 22 Rule 3 read with Section 151 of the C.P.C. as filed on behalf the appellant praying for substitution of the legal heirs of the deceased appellant/defendant no. 3.

Learned Advocate for the appellants has submitted that the appellant no. 3 Smt. Susama Khanra died intestate on 09.11.2023 during pendency of this appeal leaving behind two sons, three daughters, one daughter-in-law and two grand-children as her legal heirs. He has further submitted that two sons of the deceased appellant no. 3 are already on record as appellant nos. 1 and 2. So, by filing this application under Order 22 Rule 3 C.P.C. read with Section 151 of C.P.C. he has prayed for substitution of the legal heirs of the said appellant no. 3 except her two sons who are already on record, as per schedule of the application.

In support of their contention, learned Advocate for the appellants has filed a copy of death certificate of appellant no. 3 Smt. Susama Khanra.

Respondent no. 1 by filing the written objection against the application under Order 22 Rule 3 read with Section 151 of the C.P.C. has raised objection and prayed for rejection of the said application with exemplary cost.

Heard. Perused. Considered.

From the death certificate of appellant no. 3 Smt. Susama Khanra issued by Jujersa Gram Panchayat, it appears that she died on 09.11.2023. It comes out from the record that appellants filed this application on 25.01.2024 i.e. within the statutory period of limitation.

Considering such circumstances and also on perusal of the materials on record, I am of the considered opinion that the

application under Order 22 Rule 3 read with Section 151 of the C.P.C. is required to be allowed for the ends of justice.

Accordingly, it is

O r d e r e d

that the application of the appellant under Order 22 Rule 3 C.P.C. read with Section 151 of C.P.C. is considered and allowed on contest.

Let the legal heirs of deceased appellant no. 3 Smt. Susama Khanra be substituted as per schedule of the application.

Fix 19.11.2024 for filing amended memo of appeal and steps.

Dictated & corrected by me.

D. J.

District Judge, Howrah.