

Probate Suit 34 of 2022
CNR No. WBHW01-007474-2022
Present : Sri Plaban Mukherjee (J.O Code : WB01427)

Order No. 08,
Dated : 08.08.2024,

Today, the date is fixed for hearing of the petitions and W.O, if any, in the meantime.

The petitioner files hazira through Ld. Advocate.

The O.Ps file hazira through Ld. Advocate.

Ld. Advocate for both sides are present.

Now, the petition dated 02.09.2023 is taken up for hearing.

Ld. Advocate for the Opposite Party submitted that he has filed this application under Order VI Rule 17 read with Section 151 of the C.P.C praying for certain amendment in the written objection, filed by the O.P and these proposed amendments are formal in nature and it will not change the nature and character of the suit in any way. Accordingly, he prays for allowing the instant petition.

Ld. Advocate for the petitioner raised feeble objection.

Heard. Considered. Perused the petition as well as the written objection.

On perusal of the contents of the petition, it appears that the proposed amendment is formal in nature and it will not change the nature and character of the suit in any way. Hence, the prayer of amendment of the written objection is hereby allowed on contest.

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[Continuing Order dated 08.08.2024]

The respondent is directed to file the amended written objection.

Now, the petition 01/04/2024, filed by the petitioner, is taken up for hearing.

Ld. Advocate for the petitioner submitted that he has filed this application under Order VI Rule 17 read with Section 151 of the C.P.C praying for expunging the name of the near relative as per Schedule of the instant petition on the ground that during the pendency of the instant suit, said near relative of the testator, namely, Smt. Nilima Tat had died on 02/09/2022 and her legal heirs are already on record. Accordingly, he prays for expunging the name of the said Smt. Nilima Tat plaintiff.

In support of his submission, Ld. Advocate for the petitioner has filed the notarized copy of death certificate of Nilima Tat.

Ld. Advocate for the respondent raised feeble objection.

Heard. Considered. Perused the petition.

On perusal of the death certificate of said Nilima Tat, it appears that said Nilima Tat had died on 02/09/2022 and the petition appears to be formal in nature and it will not change the nature and character of the suit in any way. Hence, the prayer of expunging the name of Smt. Nilima Tat from the plaintiff is hereby allowed on contest.

The petitioner is directed to file the amended plaintiff.

Fix 11/11/2024 for filing of amendment plaintiff by the petitioner and amended written objection by the opposite party.

Dictated & Corrected by me.

A.D.J, 1st Court, Howrah.

Additional District Judge,
1st Court, Howrah.

