

Title Suit – 6 / 2019 (C.I.S. 6 / 2019)
(C.N.R. WBHW07- 000 -)

Order No. 25 dated 01.02.2023

Today is fixed for hearing the application u/O 22 Rule 4 C.P.C. as is reflected from Order No. 24 passed on 30.11.2022.

Both parties are present.

Perused the suit record from where it is revealed that the application u/O 1 Rule 10 (2) C.P.C. has already been disposed of by this Court vide Order No. 22 passed on 05.08.2022 and in compliance of the said order the plaintiff has filed the requisites for issuance of summons on the said defendants besides filing the amended plaint. The service report regarding the summons issued on the added defendants has already been submitted by the Process Server. However the Nazir-in-Charge has not given any endorsement regarding the service / non-service of the summons on the added defendant in view of the report submitted by the Process Server. Accordingly, the Nazir-in-Charge is directed to give proper endorsement of service / non-service of the summons on the added defendant after perusing the report of the Process Server.

Now the application under Order 22 Rule 4 C.P.C. is taken up for consideration.

Heard the Ld. Advocates of the parties.

Perused the instant application dated 02.09.2022.

Considered.

It is revealed from the instant application that the defendant No.1 Swapan Kumar Das expired on 21.07.2022 leaving behind the persons mentioned in the schedule of instant application as his legal heirs. From the instant application it is apparent that the present petition has been filed within the statutory period. Therefore, there is no impediment in allowing the same. Accordingly, the instant petition is hereby allowed on contest. Let the name of the deceased defendant No. 1 Swapan Kumar Das be struck out from the cause title of the plaint and the names of his legal heirs namely Aparna Das and Mousumi Sar be substituted therein.

Plaintiff is directed to file amended plaint after making the aforesaid modification to the cause title. Plaintiff is further directed to take necessary steps regarding the substituted defendants.

To 02.05.2023 for steps by the plaintiff regarding the substituted defendants as well as filing amended plaint.

D/C by me

C. J. (Jr. Divn.)
Amta, Howrah
(JO Code WB 01195)

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