

Title Suit 57 of 2019

Order No. 38 dated 16.07.2025.

Today is fixed for necessary steps on defendant No. 2.

Plaintiff filed hazira along with a petition u/Or 22 R 4 and also for expunging the name of defendant No. 2.

Defendant Nos. 1 to 8 filed hazira.

Both the petitions are taken up for hearing.

Heard learned advocate for the plaintiff who submitted that the defendant No.2 Manindranath Bera died on 18.06.2025 leaving behind defendant Nos. 3a, 3b, 4 & 5 and also his wife and one daughter as his legal heirs and successors. The wife and one daughter were not made party to the so they should be substituted in place of the deceased defendant No. 2 and the name of the defendant No. 2 be expunged from the cause title of the plaint as because his other four legal heirs are already on record. Learned advocate prayed for substituting the aforesaid legal heirs of the defendant No.2 in place of the deceased defendant.

Ld. Advocate for the defendant raise no objection.

On perusal of the instant petition and the materials available on record it is found out that the defendant No.2 Manindranath Bera died on 18.06.2025 and the instant petition was filed on 16.07.2025. This Court is of the opinion that the instant petitions have been filed within the limitation period. So this Court finds no impediment in allowing both the petitions.

Hence, it is

Ordered

that both the petitions under Order 22 Rule 4 of CPC and also for expunge are considered and allowed and disposed of on contest without any order as to costs. Let the aforesaid legal heirs of the deceased defendant No.2, be substituted in his place as defendant no.2(a) Padmabati Bera 2(b) Mousumi Adhikari.

Ld. Advocate for the plaintiff is directed to file an amended plaint.

BC-I to make necessary note in the cause title of the plaint.

Fixing **25.08.2025** for filing of amended cause title of the plaint by incorporating the name of the legal heirs of defendant No. 2 and taking steps on all the substituted defendants who were substituted in the case till date.

D/c & by me

CJ

**Civil Judge (Jr Divn)
Amta, Howrah**